

Wiltshire Council

Standards Committee

20 June 2018

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 with 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 substantial 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 2018 to 31 May 2018

7. Between 1 January 2018 and 31 May 2018, the Monitoring Officer received 20 complaints under the Code of Conduct. Of these complaints, five concerned a member of Wiltshire Council, while the remainder were against members of town and parish councils within the authority's area.

8. Of the cases received, the decision of the Deputy Monitoring Officer was as follows:

Complaints currently awaiting assessment or issue of decision	12
No further action to be taken	6
Referred to Monitoring Officer for alternative local resolution	0
Referred for investigation	0
Incomplete information provided (complaint not taken forward)	1
Subject members no longer serving councillors (complaints not taken forward)	0
Complaint out of time	1

9. In relation to the current number of complaints we have experienced a surge in May. Of these complaints five relate to the same parish council but have been logged individually in line with the complaints procedure. 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. Three requests for review were received between 1 January 2018 and 31 May 2018. The Deputy Monitoring Officer's decisions of "no further action" were upheld by the three review sub-committees.

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 one complaint has been referred for investigation on assessment (27/02/2018 (date of complaint 15/12/2017)). The subject member resigned on 10/04/2018 and therefore no further action was taken in respect of the

complaint.

13. The two complaints referred for investigation during 2017 are still currently in progress and an update is shown in the table below. Progress of the open investigations referred during 2016 is also shown in the table below:

Reference	Date of Assessment	Progress
WC-ENQ00167	09/09/2016	Investigation report being finalised
WC-ENQ00172	04/10/2016	MO to issue decision notice following consideration of investigation report.
WC-ENQ00198	27/07/2017 (on review)	No breach found – complaint closed
WC-ENQ00219	01/08/2017	Review Sub-Committee upheld decision of no breach – complaint closed

Types of Complaint

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

Type of complaint	Number
Non-disclosure of interests/participating and voting at meetings	4
Inappropriate behaviour i.e. disrespect/bullying	6
Failure to act in the public interest	1
Failing to respond to letter/emails or to provide information/lack of communication	1
Slander/defamation of character	6
Not executing duties with honesty & integrity	1
Bribery of councillor	1
Total	20

Proposal

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

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Appendix 1 – Summary of Complaints 2017

[Link to Constitution](#)