

Wiltshire Council

Standards Committee

23 January 2019

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.
3. 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

4. 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.
5. 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.
6. 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.

7. 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 14 December 2018

8. Between 1 January 2018 and 14 December 2018, the Monitoring Officer received 47 complaints under the Code of Conduct. Of these complaints, 12 concerned members of Wiltshire Council, while the remainder of 35 were against members of town and parish councils within the authority’s area.

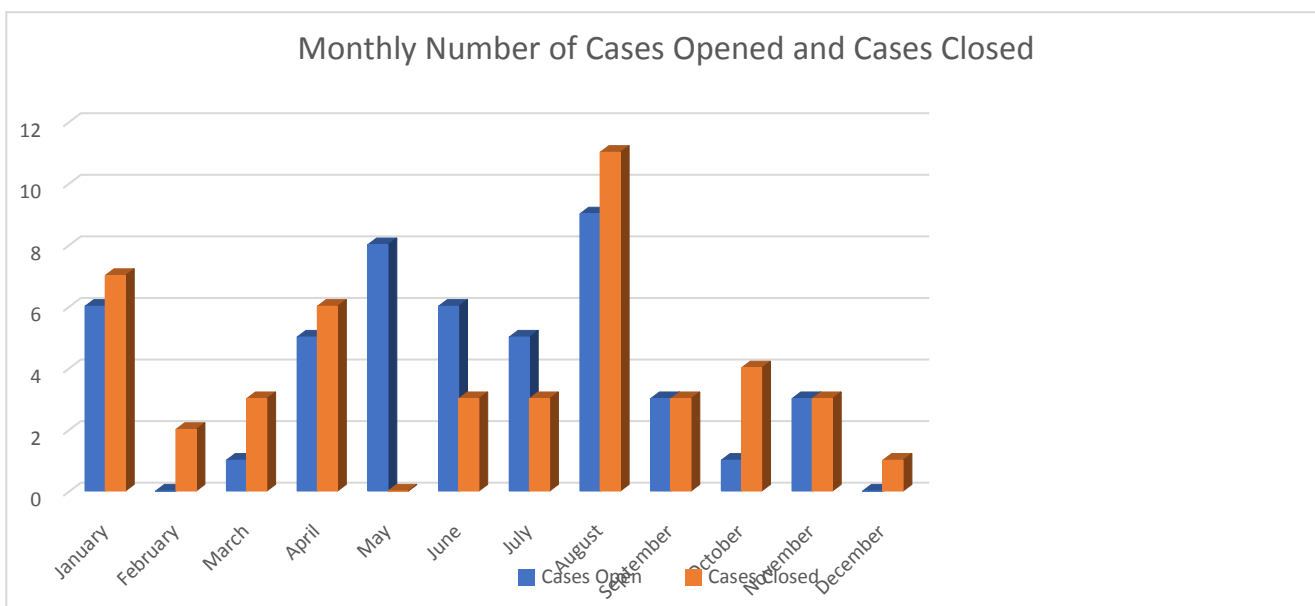
9. Of the cases received, the current position is as follows:

Complaints currently awaiting assessment	4
No further action to be taken	26
Referred to Monitoring Officer for alternative local resolution	1
Referred for investigation	8
Incomplete information provided (complaint not taken forward)	5
Subject members no longer serving councillors (complaints not taken forward)	1
Complaint out of time (no further action)	1
Complaint withdrawn	1

This is shown in the table below.



10. A monthly breakdown of complaints received is attached as **Appendix 1** with an extrapolation of cases opened and closed throughout 2018.



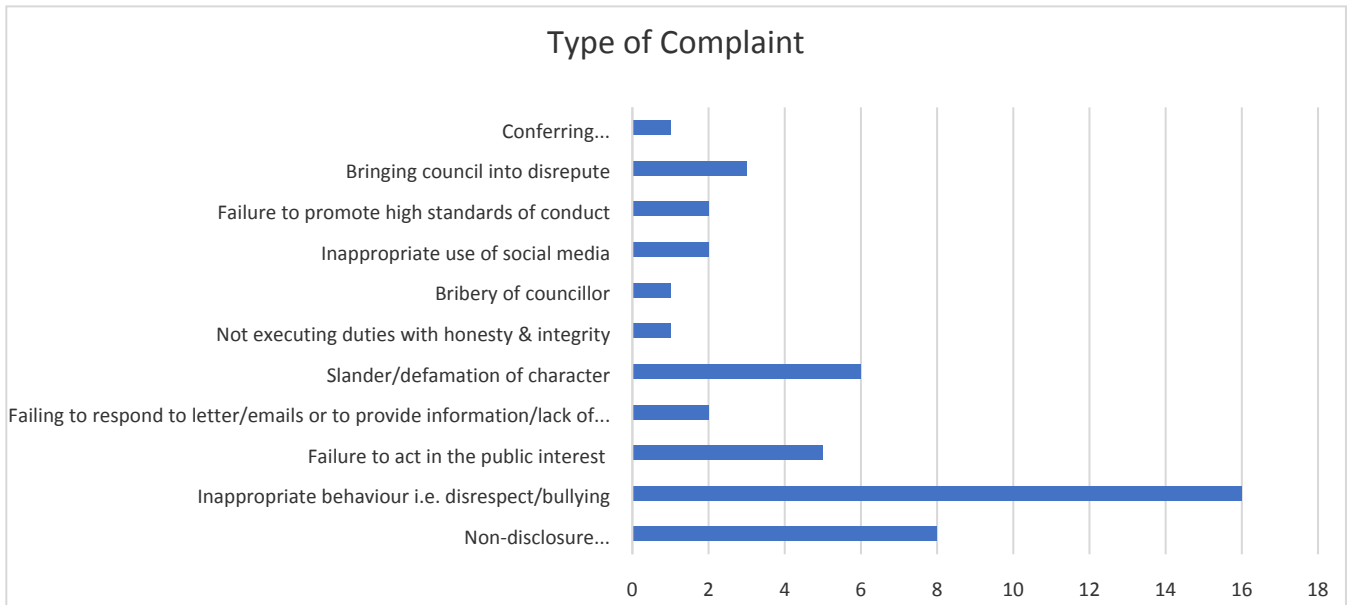
Investigations

11. Since the beginning of 2018, eight complaints have been referred for investigation on assessment. Two of these investigations have been halted and a further two are in progress. The other four investigation referrals are awaiting the appointment of an investigating officer.
12. The increase in the number of cases referred for investigation has highlighted capacity issues within the team and in order to address this in the short term some of the cases will have to be put out externally for which there is no allocated budget. We are therefore looking at ways to address this situation and will update the Committee further on the position in due course.

Types of Complaint

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

Type of complaint	Number
Non-disclosure of interests/participating and voting at meetings	8
Inappropriate behaviour i.e. disrespect/bullying	16
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	3
Conferring an advantage/disadvantage	1
Total	47



Proposal

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

Ian Gibbons, Director of Legal and Democratic Services, and Monitoring Officer

Report Author: Sukdave Ghuman, Team Leader, Public Law and Compliance

Sukdave.ghuman@wiltshire.gov.uk

Appendix 1 – Monthly breakdown of complaints