

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 town or parish council within the council area, has failed to comply with the relevant 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 11 to the Constitution, the procedure having changed with effect from 1 January 2020.
4. 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.
5. All 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.
6. If the sub-committee determine 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.
7. 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.

8. There is no right of appeal of the decision of the Assessment Sub-Committee or the Hearing Sub-Committee.
9. 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.

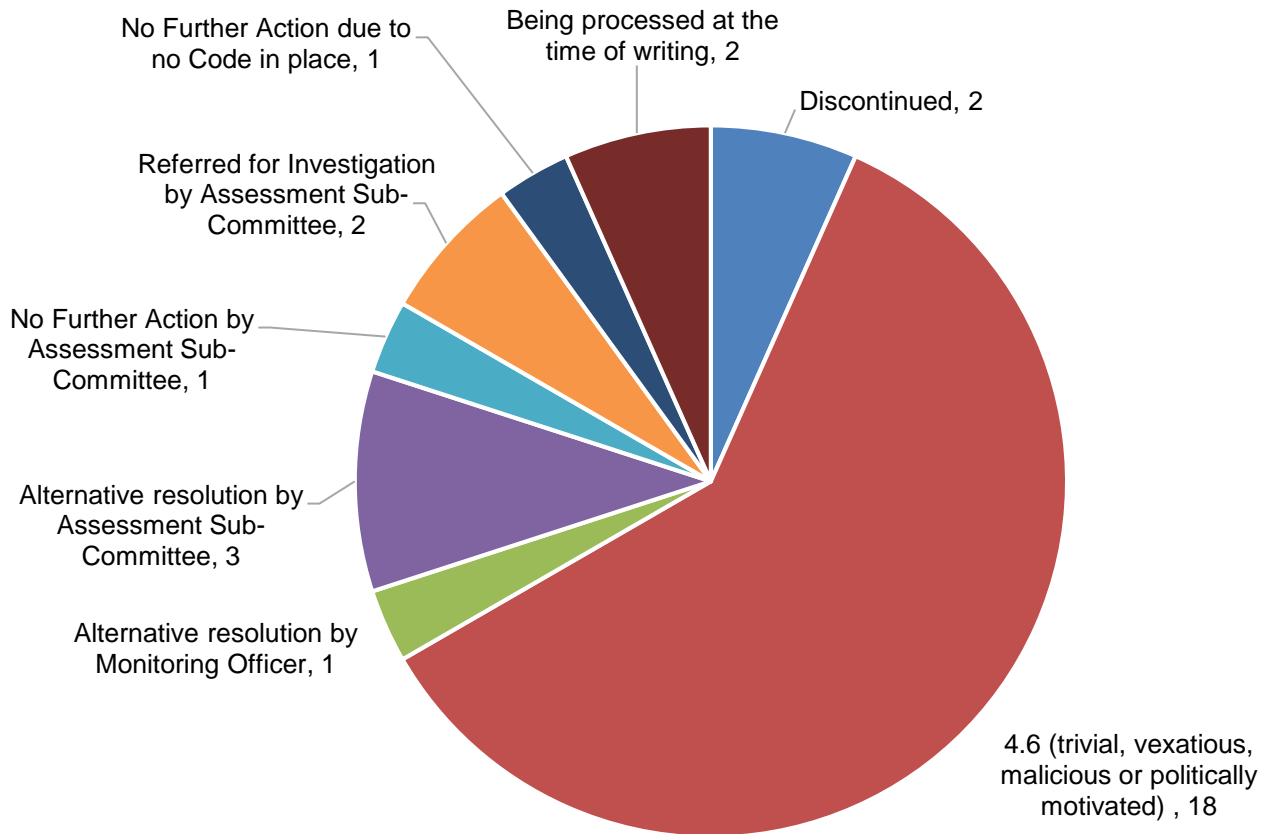
Summary of Committee Meetings

10. The last Standards Committee meeting took place on 15 June 2021. Since that meeting there have been:
 - 5 meetings of the Standards Assessment sub-committee.
 - 0 meetings of the Standards Hearing Sub-Committee.
11. The outcome of these meetings was as follows:
 - 23 June 2021 – One matter was dealt with. This was determined No Further Action.
 - 26 August 2021 – Two matters were dealt with. Both were determined No Further Action on the recommendation of the Monitoring Officer following his consideration of their respective Investigation Reports.
 - 30 September 2021 – One matter was dealt with. This was referred for investigation.
 - 28 October 2021 – Three matters were dealt with. All three were determined No Further Action.
 - 25 November 2021 – One matter was dealt with. This was referred for investigation.

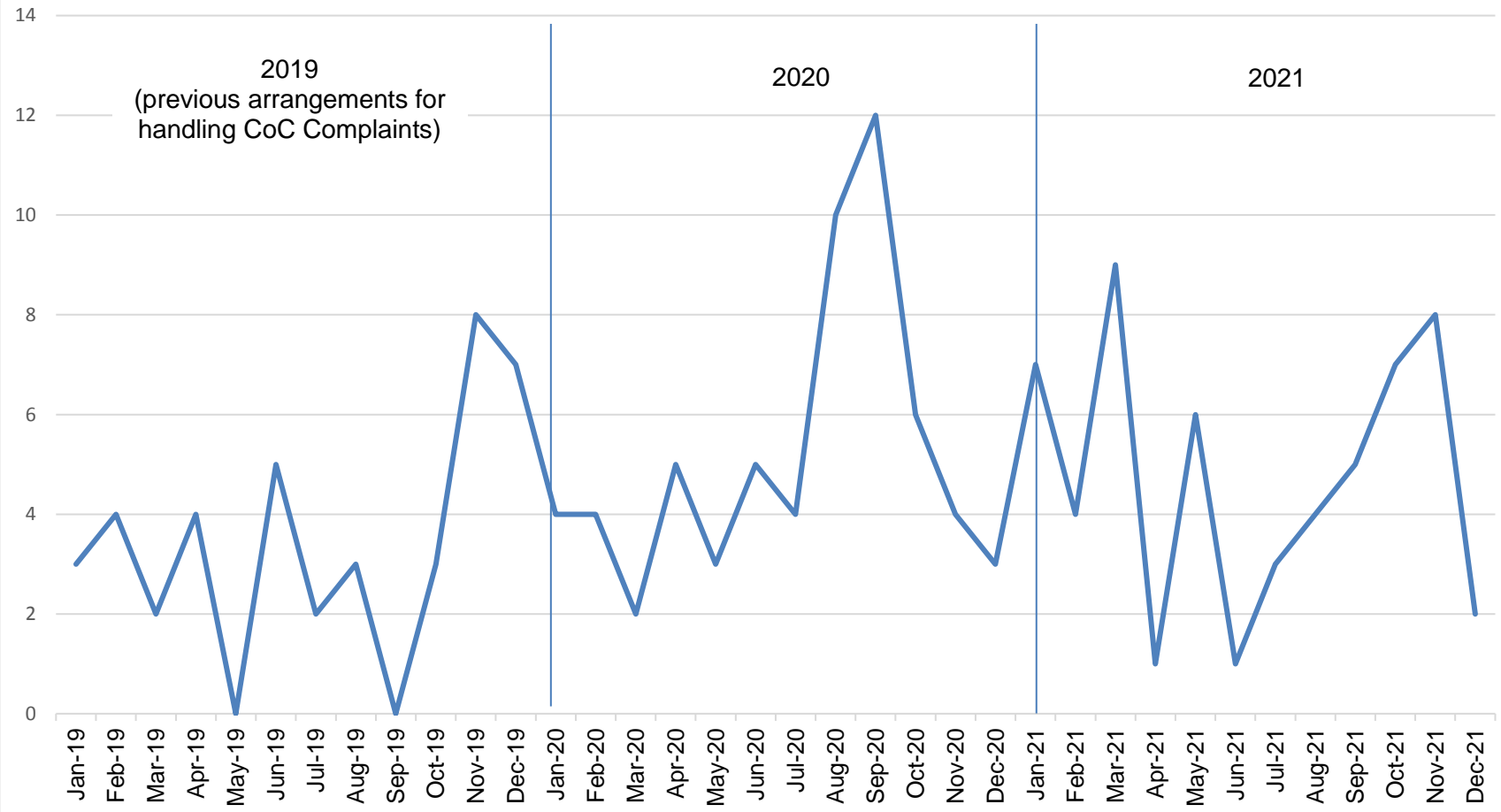
Summary of complaints received since 2 June 2021 (following publication of the 15 June 2021 committee meeting agenda (some of which will be included above))

12. Between 2 June 2021 and 3 January 2022, the Monitoring Officer received 30 complaints under the Code of Conduct. **Chart 1** shows how these complaints have been handled.
13. **Chart 2** shows the complaints received since January 2019.
14. "4.6" refers to complaints dealt with under paragraph 4.6 of this council's 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.

**Chart 1 - Code of Conduct complaints
2 June 2021 to 3 January 2022**



**Chart 2 - Code of Conduct complaints received
Jan 2019 to Dec 2021**



Types of Complaint

14. The 30 code of conduct complaints received since 2 June 2021 can be broken down as follows:

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

- 5 matters were complaints against **Wiltshire Councillors**:
 - 1 regarding interests (found NFA by MO)
 - 1 regarding public statements about a campaign group (found NFA by MO)
 - 1 regarding an email (found NFA by MO)
 - 1 regarding safeguarding concerns (found NFA by MO)
 - 1 regarding the chairing of a meeting (currently being processed)

- 10 were complaints against **town or city councillors**:
 - 1 regarding an email and councillor interests (referred for investigation)
 - 1 regarding disrepute (discontinued)
 - 1 regarding a physical altercation (found NFA by ASC)
 - 3 regarding behaviour at a council meeting (referred for alternative resolution)
 - 1 regarding entering a resident's premises (out of time)
 - 3 regarding social media posts (found NFA by MO)

- 15 were complaints against **parish councillors**:
 - 1 regarding comments made about the complainant (referred for alternative resolution)
 - 4 regarding emails (found NFA by MO)
 - 1 regarding email comments (discontinued)
 - 1 regarding comments about the traveller community (found NFA by MO)
 - 1 regarding using one's position for personal gain (referred by ASC for informal resolution)
 - 1 regarding biased decision making (found NFA by MO)
 - 4 regarding comments on social media ((found NFA by MO)
 - 3 regarding opposing the council's position (found NFA by MO)
 - 1 regarding comments about a campaign group (found NFA by MO)
 - 1 regarding comments on a planning matter (found NFA by MO)
 - 1 regarding behaviour during a meeting (found NFA by ASC)
 - 1 regarding behaviour during a meeting (currently being processed)
 - 1 regarding the chairing of a meeting (currently being processed)

Dip Sampling

15. A table of current cases was provided to the Chairman of Standards Committee on 8 December 2021 for a dip sample of cases to be undertaken to enable oversight.

Proposal

16. The Committee are asked:

- a. To note the current position on Code of Conduct Complaints

- b. To consider whether there is any further or different information that they would wish to see in future updates

Perry Holmes, Director of Legal & Governance and Monitoring Officer

Report Author: Henry Powell, Democracy and Complaints Manager,
henry.powell@wiltshire.gov.uk

Appendices

None.