

Wiltshire Council

Standards Committee

14 November 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 with the County, 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. At present 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. Currently 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. As members will now be aware, this procedure will be changing with effect from 1 January 2020. From that date, all valid code of conduct complaints will be determined by the Assessment Sub-Committee.
7. 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.

8. 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 July 2019 to 6 November 2019

9. Between 1 July 2019 and 6 November 2019, the Monitoring Officer received 9 complaints under the Code of Conduct. Of these complaints, 2 concerned members of Wiltshire Council, while the remainder were against members of town and parish councils within the authority's area.
10. Of the cases received, four have been assessed by, or on behalf of, the Deputy Monitoring Officer. In each case the decision was to take no further action. Decision notices are yet to be issued in respect of the remaining five cases, the majority of which were only recently received.
11. A summary of the number of cases received each month is attached at **Appendix 1**.

Reviews

12. One complaint was considered by the Review Sub-Committee in the period covered by this report. A further three requests for review are to be considered shortly.

Investigations

13. In the period under review, investigations have been carried out in respect of two complaints. The investigation reports are currently being considered.

Types of Complaint

14. Many of the complaints received cover a number of issues. All nine received since June were alleging some form of inappropriate behaviour, such as failing to treat the complainant with respect.

Proposal

15. 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

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Appendix 1 – Summary of Complaints