

## **Wiltshire Council**

### **Standards Committee**

**4 February 2021**

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#### **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 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 now 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 prepare a report for the Assessment Sub-Committee. The Monitoring Officer 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 now 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. This 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. There is no right of review of the assessment carried out by the Assessment Sub-Committee.

8. 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.

9. Summary of Committee Meetings

In line with other committees of the council, during the coronavirus situation meetings of the Standards Committee and Assessment sub-committees have taken place online. Since the last online Standards Committee meeting on 7 October 2020 there have been four online meetings of the Standards Assessment sub-committee. There has also been one online meeting of the Standards Review Sub-Committee and one online meeting of the Standards hearing Sub-Committee. The outcome of these meetings was as follows:

Standards Assessment Sub Committee

- 21 October 2020 – Two matters determined as No Further Action;
- 19 November 2020 – Five matters were determined No Further Action and one matter was referred for Investigation;
- 15 December 2020 – Six matters were determined No Further Action and one matter was referred for Investigation;
- 21 January 2021 – One matter was determined No Further Action in line with the Monitoring Officer's recommendation and one decision of the Monitoring officer to resolve by alternative resolution was noted.

Standards Review Sub-Committee

- 10 December 2020 – One matter was considered. The committee reviewed the Monitoring Officer's decision to uphold the finding of the Investigating Officer's that there had been no breach of the code of conduct. The committee decided to refer the complaint for hearing by the Hearing Sub-Committee.

Standards Hearing Sub-Committee

- 23 September 2020 (heard on held on 23 September 2020, 2 November 2020 and 6 November 2020) – Two related matters were heard, and the committee determined to take No Further Action in respect of both complaints.

10. Summary of complaints received since last committee meeting (some of which will have been included above)

Between 21 September 2020 and 27 January 2020, the Monitoring Officer received 24 complaints under the Code of Conduct. A summary of the number of cases received each month is attached at **Appendix 1**.

11. Of the 24 cases received 3 were discontinued as they it did not amount to complaints, 12 were determined as No Further Action and 2 were referred for investigation. 7 cases are pending.

Determinations

- I. Matters determined by Monitoring Officer under Paragraph 4.6 (trivial, vexatious, malicious or politically motivated)

In the period since the last meeting six matters have been so determined by the Monitoring Officer or his representatives.

## II. No Further Action

In the period since the last meeting, the Assessment sub-committee have determined that no further action be taken on 6 matters (4 from September and 2 from November).

## III. Investigations

In the period since the last meeting, the Assessment Sub-Committee have determined that 2 investigations take place (from complaints received in October).

12. Members should also note that out of a total of sixty-seven complaints received between January 2020 and January 2021 eighteen have been resolved by the new screening process under 4.6. This amounts to 26.86 % of complaints. A further 14 have been withdrawn, discontinued or have not amounted to Code of Conduct complaints.

### Types of Complaint

13. The complaints received since September 2020 all allege some form of inappropriate behaviour and cover a number of issues such as failing to declare an interest, misrepresenting council policy, or not acting in accordance with the council's standing orders and Financial regulations (and thereby breaching the Nolan principle of not promoting high standards of conduct).

### Proposal

14. 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

### **Ian Gibbons, Monitoring Officer**

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Appendix 1 – Summary of Complaints