

<b>Audit, Governance &amp; Standards Committee</b>	<b>16<sup>th</sup> March 2020</b>
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## **Complaints Received Under the Members' Code of Conduct**

<b>Final Decision-Maker</b>	Audit, Governance & Standards Committee
<b>Lead Head of Service</b>	Patricia Narebor – Head of Legal Partnership and Monitoring Officer
<b>Lead Officer and Report Author</b>	Jayne Bolas – Principal Solicitor, Contentious and Corporate Governance
<b>Classification</b>	Public
<b>Wards affected</b>	All

### **Executive Summary**

The report provides an update to the Committee on complaints received under the Members' Code of Conduct for the period 1st September 2019 to 28 February 2020.

### **This report makes the following recommendations to this Committee:**

1. That the contents of the report be noted.

### **Timetable**

<b><i>Meeting</i></b>	<b><i>Date</i></b>
Audit, Governance & Standards Committee	16 <sup>th</sup> March 2020

# Complaints Received Under the Members' Code of Conduct

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	High standards of conduct are essential amongst Members in delivering the Council's priorities. The Code of Conduct and complaints procedure supports this.	Principal Solicitor, Contentious and Corporate Governance
<b>Cross Cutting Objectives</b>	No impact.	Principal Solicitor, Contentious and Corporate Governance
<b>Risk Management</b>	The report is presented for information only and has no risk management implications. An effective Code of Conduct and robust complaints procedure minimises the risk of Member misconduct and is part of an effective system of governance.	Principal Solicitor, Contentious and Corporate Governance
<b>Financial</b>	There are no direct financial implications; however, should it be necessary to appoint external Independent Investigators, the cost of this will be met by the Borough Council.	Principal Solicitor, Contentious and Corporate Governance
<b>Staffing</b>	The complaints procedure is dealt within the remit of the Monitoring Officer with input from the Legal team as required.	Principal Solicitor, Contentious and Corporate Governance
<b>Legal</b>	The requirements of the Localism Act 2011 with regards to the Code of Conduct and complaints procedure are set out within the report. The reporting process ensures that the Committee continues its oversight of the Code of Conduct as required by the Constitution.	Principal Solicitor, Contentious and Corporate Governance
<b>Privacy and Data Protection</b>	No personal information is provided as part of the report.	Principal Solicitor, Contentious and Corporate Governance

<b>Equalities</b>	Any potential to disadvantage or discriminate against different groups within the community should be overcome within the adopted complaints procedure.	Principal Solicitor, Contentious and Corporate Governance
<b>Public Health</b>	None identified in the report.	Principal Solicitor, Contentious and Corporate Governance
<b>Crime and Disorder</b>	None identified in the report.	Principal Solicitor, Contentious and Corporate Governance
<b>Procurement</b>	None identified in the report.	Principal Solicitor, Contentious and Corporate Governance

## 2. INTRODUCTION AND BACKGROUND

- 2.1 It is a requirement under the Localism Act 2011 that all Councils adopt a Code of Conduct and that the Code adopted must be based upon the Nolan Principles of Conduct in Public Life. The current Members' Code of Conduct ("the Code") for Maidstone Borough Council is set out in the Constitution.
- 2.2 The Localism Act 2011 requirement to adopt a Code of Conduct also applied to all the Parish Councils. Most Parish Councils in the Maidstone area have adopted a similar Code of Conduct to the Borough Council, based on a Kent wide model. A few Parish Councils have adopted their own particular Code.
- 2.3 Under the Localism Act 2011 Maidstone Borough Council is responsible for dealing with any complaints made under the various Codes of Conduct throughout the Maidstone area.
- 2.4 The Constitution stipulates that oversight of Code of Conduct complaints is part of the remit of the Audit, Governance and Standards Committee.
- 2.5 As part of the Committee's oversight function it is agreed that the Monitoring Officer will provide reports on complaints to the Audit, Governance and Standards Committee. It should be noted that the Localism Act 2011 repealed the requirement to publish decision notices; therefore in providing the update to the Committee the names of the complainant and the Councillor complained about are both kept confidential in accordance with the Data Protection Act 2018.

2.6 Since the last report to this Committee on 16<sup>th</sup> September 2019 there have been 2 new Parish Council complaints as follows:

- Allegation of failure to disclose a pecuniary interest to the Monitoring Officer within the permitted timeframe. The complaint is currently under consideration.
- Allegation of bullying and bringing the Member's office into disrepute. The complaint is currently under consideration.

2.7 There have been no complaints made against a Borough Councillor.

### **3. AVAILABLE OPTIONS**

3.1 The Committee could decide that they no longer wish to receive the updates on complaints under the Code of Conduct. This is not recommended as it is part of the Committee's general oversight function.

3.2 That the Committee note the update on complaints received under the Members' Code of Conduct.

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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

4.1 Option 3.2 that the Committee note the update on complaints received under the Members' Code of Conduct is recommended as it is essential that the Committee continue to oversee the complaints received.

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### **5. RISK**

5.1 This report is presented for information only and has no risk management implications.

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### **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

6.1 Members of the Audit, Governance and Standards Committee and the Independent Person in accordance with the relevant complaints procedure will be consulted with on individual complaints as and when necessary.

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### **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

7.1 As the report is for information only no further action will be taken.

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### **8. REPORT APPENDICES**

None.

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