

**Complaints Received Under the Members' Code of Conduct**

<b>Final Decision-Maker</b>	Audit, Governance & Standards Committee
<b>Lead Head of Service/Lead Director</b>	Patricia Narebor – Head of Legal Partnership and Monitoring Officer
<b>Lead Officer and Report Author</b>	Christine Nuttall – Senior Corporate Governance Lawyer (Locum) of Legal Partnership
<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 1<sup>st</sup> November 2017 to 28<sup>th</sup> February 2018. The Committee is asked to note the contents of the report.

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

1. The Committee is asked to note the contents of the report.

**Timetable**

<b>Meeting</b>	<b>Date</b>
Audit, Governance & Standards Committee	19 March 2018

# Complaints Received Under the Members' Code of Conduct

## 1. INTRODUCTION AND BACKGROUND

- 1.1 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 adopted in May 2015 (and is unchanged from the previous Code of Conduct).
- 1.2 The Localism Act 2011 requirement to adopt a Code of Conduct also applied to all the Parish Councils. Consequently, all the Parish Councils in the Maidstone area adopted their own Codes of Conduct with the majority adopting the Borough Council's Code of Conduct.
- 1.3 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.
- 1.4 The Constitution stipulates that oversight of Code of Conduct complaints would fall under the terms of reference of the Audit, Governance and Standards Committee.
- 1.5 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 It should be noted that the Localism Act 2011 repealed the requirement to publish decision notices; therefore in providing the update to the Committee the names of the complainant and the Councillor complained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 1998.
- 1.6 Since the last report to this Committee on 20<sup>th</sup> November 2017 there have been no new complaints, although two complaints on the 20<sup>th</sup> November were still awaiting initial assessment. The final decision in relation to those two complaints was as follows:

### *Borough Council Complaint*

Date Received	Date of Final Decision	Decision
21/08/2017	19/12/2017	No breach of the Code of Conduct

### *Parish Council Complaint*

Date Received	Date of Final Decision	Decision
28/10/2017	13/12/2017	No breach of the Code of Conduct

- 1.7 The Constitution provides for a Hearings Sub-Committee to meet to consider any complaint which remains valid after investigation and

consideration by the Monitoring Officer in consultation (as required) with the Independent Person. To date the Hearings Sub-Committee has not yet been required to meet.

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## **2. AVAILABLE OPTIONS**

- 2.1 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.
- 2.2 That the Committee note the update on complaints received under the Members' Code of Conduct.
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## **3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 3.1 Option 2.2 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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## **4. RISK**

- 4.1 This report is presented for information only and has no risk management implications.
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## **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 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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## **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 As the report is for information only no further action will be taken.
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## **7. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	High standards of conduct are essential amongst Members in delivering the Council's priorities and the Code of Conduct and complaints procedure supports this.	Head of Legal Partnership

<b>Risk Management</b>	This report is presented for information only and has no risk management implications, however, an effective Code of Conduct and robust complaints procedure minimises the risk of Member misconduct and is part of an effective system of governance.	Head of Legal Partnership
<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.	Head of Legal Partnership
<b>Staffing</b>	The complaints procedure is dealt within the remit of the Monitoring Officer with input from the Legal Team as required.	Head of Legal Partnership
<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.	Head of Legal Partnership
<b>Privacy and Data Protection</b>	No personal information is provided as part of the report.	Head of Legal Partnership
<b>Equalities</b>	Any potential to disadvantage or discriminate against different groups within the community should be overcome within the adopted complaints procedures.	Head of Legal Partnership
<b>Crime and Disorder</b>	None identified in the report.	Head of Legal Partnership
<b>Procurement</b>	None identified in the report.	Head of Legal Partnership

## 8. REPORT APPENDICES

None

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## 9. BACKGROUND PAPERS - None