

Report for: Standards Committee 27th of June 2023

Title: No Further Action - Code of Conduct Complaints - Monitoring Officer Annual Report

Report authorised by: Fiona Alderman – Head of Legal and Governance and Monitoring Officer

Lead Officer: Haydee Nunes De Souza – Head of Legal (Social Care, Education, Employment and Contracts) and Deputy Monitoring Officer

Ward(s) affected: N/A

**Report for Key/
Non Key Decision:** Non key

1. Describe the issue under consideration

1.1 This is an annual report on the code of conduct complaints considered by the Monitoring Officer and determined not to merit any further action.

Cabinet Member Introduction

N/A

2. Recommendations

2.1. The Committee is asked to note the report.

3. Reasons for decision

3.1 The Protocol for Complaints Against Members requires the Monitoring Officer to report annually to the Standards Committee on complaints dealt with by the Monitoring Officer and determined not to merit any further action.

4. Alternative options considered

4.1. There are no alternative options to be considered.

5. Background information

5.1 The Protocol for Complaints Against Members requires the Monitoring Officer to review every allegation of breach of the code of conduct received and to decide on whether it merits reference to the Assessment Sub-Committee of the Standards Committee. The Monitoring Officer must consult with the Independent

Person before making her decision. The Protocol sets out the criteria by which the Monitoring Officer may make the decision, and which are as follows:

5.3 ...The Monitoring Officer may determine that an allegation does not merit any further action, where:

(a) The allegation does not demonstrate a breach of the Members' Code of Conduct; for example it relates to a member's private life to which the Code does not apply or it is about dissatisfaction with a Council decision or service, or

(b) It is about someone who is no longer a member or a co-opted member of the Council, or

(c) There is insufficient evidence upon which to investigate and/or the person making the allegation has failed to co-operate with the Monitoring Officer to specify the allegation sufficiently, or

(d) The same or a similar allegation has been investigated and determined, or

(e) It is an anonymous allegation which does not include sufficient documentary evidence to indicate a significant breach of the Member's Code of Conduct, or

(f) The Monitoring Officer facilitates an informal resolution without the need for a formal investigation. This may involve the member accepting that his/her conduct was unacceptable and offering an apology or other remedial action by the Council. If the Monitoring Officer considers an offer of informal resolution is reasonable but the person making the allegation is not willing to accept it, the allegation will be referred to the Standards Committee for determination, or

(g) the complaint is considered to be frivolous or vexatious, or

(h) The matters to which the allegation refers took place longer than three months before the date of receipt of the allegation and there are no exceptional circumstances which merit the investigation of matters outside that timescale, nor is it otherwise appropriate to investigate the allegation.

5.2 In the period 1 May 2022 – 31 April 2023, the Monitoring Officer determined that 25 complaints of alleged breach of the code of conduct by councillors did not merit any further action. The rationale for the Monitoring Officer decisions were mostly that the conduct complained about did not demonstrate a breach of the code. The Independent Person was consulted in making these decisions and agreed with the Monitoring Officer's conclusion. A table of the complaints is attached in the Exempt Report.

6. Contribution to strategic outcomes

6.1. The report supports the governance of the Council and its decision-making, thereby assisting the Council to meet its strategic outcomes.

7. Statutory Officers comments (Chief Finance Officer (including procurement), Head of Legal and Governance , Equalities)

Finance

7.1. None

Procurement

7.2. None.

Legal

7.3. By virtue of section 27 of the Localism Act 2011, the Council is required to promote and maintain high standards of conduct by members and co-opted members and to adopt a Code of Conduct. The Council's Constitution includes the Code of Conduct and the Protocol for Complaints Against Members. The annual report is in keeping with the requirements of the Protocol and serves to inform the Committee of the exercise of the Monitoring Officer's discretion in managing the members complaint process.

Equality

7.4. None

8. Use of Appendices

8.1. Exempt Appendix 1 – Not for publication by virtue of paragraphs 1 and 2 of Part 1 Schedule 12A of the Local Government Act 1972.