

WEST NORTHAMPTONSHIRE COUNCIL
DEMOCRACY AND STANDARDS COMMITTEE
12 September 2023

Report Title	STATISTICS - CODE OF CONDUCT ARRANGEMENTS - UPDATE
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List of Appendices

None.

1. Purpose of Report

- 1.1 The report provides detailed statistics for the Committee’s information in relation to Member Code of Conduct complaints dealt with under the Member Complaints Procedure (the “Arrangements”).

2. Executive Summary

- 2.1 This report provides the Committee with a precis of each completed complaint and any outstanding complaints of alleged breaches of the West Northamptonshire Council (“WNC”) Code of Conduct or of Parish or Town Codes of Conduct, since the complaints statistics were last reported to the Committee at its meeting on 12 January 2023. Any complaints that were reported to the January 2023 meeting that are still live have been included within the information detailed at paragraph 4.1 below. Since the January 2023 meeting of this Committee, Officers have worked on the complaints. The majority of the complaints that were live in January 2023 are now closed as detailed in paragraph 4.1 below.
- 2.2 Having oversight of this information in relation to Code of Conduct complaints is part of the Committee’s duty to discharge standards functions by promoting and maintaining high standards of conduct within WNC and Town and Parish Councils within the area of West Northamptonshire.

3 Recommendation

3.1 It is recommended that the Democracy and Standards Committee notes the statistics in relation to the number of complaints received and dealt with, in respect of the WNC Members' Code of Conduct and of Codes of Conduct adopted by Town and Parish councils within West Northamptonshire.

3.2 Reason for Recommendation

The Committee is recommended to receive the statistical data to:

- a) enable it to carry out its Standards responsibilities effectively; and
- b) to enable it to identify whether there are any patterns or common themes in the type of complaints received and to consider whether all Members would benefit from training on any matter relating to Member conduct to enable them to fulfil their public functions effectively.

4 Report Background

4.1 WNC's Constitution specifies that one of the purposes of the Democracy and Standards Committee is, "*to oversee and develop the Council's Code of Conduct and the overall standards of conduct for Council Members, co-opted Members, and Parish and Town Councillors of West Northamptonshire.*" Therefore, statistical data in relation to complaints received and dealt with is provided to inform this role of the Committee.

Complaints – Members' Code of Conduct

4.2 The adopted arrangements for dealing with allegations of breach of the WNC Members' Code of Conduct and of Codes of Conduct adopted by Town/Parish Councils provides for an initial filtering process by the Monitoring Officer and in consultation with one of the Independent Persons to decide whether: -

- There is no breach of the Code, and no further action should be taken; or
- There is a potential breach of the Code and informal resolution is appropriate, to include for example mediation, training, apology, advice; or
- There is a potential breach of the Code, and the Monitoring Officer should undertake or commission an investigation into the complaint.

4.3 The analysis in this report provides details of the nature of the complaint, the initial filtering decision of the Monitoring Officer, any informal resolutions agreed (where applicable), and the status of the complaint.

4.4 Some specific detailed information regarding pending complaints has not been provided as this may be prejudicial to the conduct of the ongoing complaints process. Personal details have also not been included to protect both the identity of councillors and the complainant.

4.5 Details of Code of Conduct complaints are set out below.

Information regarding "live " complaints in accordance with the Code of Member Conduct that were provided to the meeting of the Democracy and Standards Committee – 12 January 2023 and have now been updated.

Where a complaint has since been closed, this is detailed within the status column below.

Date received	Council	Assessment of the Monitoring Officer	Status
28/02/22 and 01/03/22	Parish Council Complaint against a Councillor regarding alleged linguistic racism and aggressive behaviour during a meeting.	The Deputy Monitoring Officer consulted the Independent Person and assessed that there had been a potential breach of the Code. The complaint was referred to investigation.	Closed. The Deputy Monitoring Officer has met with the Subject Member and re-assessing the complaint
13/10/22 and 15/11/22	Parish Council Four complaints received regarding a number of Councillors and their alleged aggressive and impartial behaviour during a Parish Council meeting.	The Deputy Monitoring Officer has assessed the complaint and consulted the Independent Person and recommended to the Parish Council that the subject Members attend relevant training.	Live - The Deputy Monitoring Officer has made a preliminary assessment in consultation with the independent person that subject Members attend relevant training, subject to receipt and review of some further information by the Deputy Monitoring Officer/Independent Person.
14/10/22	Parish Council Complaint received regarding alleged abusive comments within correspondence.	The Deputy Monitoring Officer has assessed the complaint and consulted the Independent Person and decided that it is not in the public interest to investigate the complaint. Governance training was recommended to the Parish Clerk for all Members of the Parish Council.	Closed
8/11/22	West Northants Council and Parish Council Complaint received regarding alleged	The Deputy Monitoring Officer consulted the Independent Person on the complaint decided that this complaint referred to a right of way and is outside the remit of the Code	Closed

	disrespectful behaviour of the subject Member	of Conduct complaints process and therefore no further action.	
15/11/22	<p>West Northants Council</p> <p>Complaint received against three Members regarding alleged pre-determination regarding a Planning application. Behaviour in relation to one member.</p>	<p>The Deputy Monitoring Officer assessed the complaint with the Independent Person – Referred for investigation.</p> <p>The investigator found one Subject Member was found to have failed to comply with paragraph 3.1 (members must treat others with respect.)of the Code, on the basis that they did not treat the Senior Planning Officer with respect and that they involved themselves as a Committee member in both the discussion and decision to reject the aforementioned planning application despite having predetermined their position on it and recommended that the subject Member be found to have failed to comply with paragraphs 3.8 (members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Authority into disrepute) and 3.12(members must not use their position improperly to confer on, or secure for yourself or any other person, an advantage or disadvantage) of the Code.</p> <p>A Standards Hearing was held and it was resolved:</p> <p>The Hearings Sub-Committee found that the Subject Member had not breached paragraph 3.1 of the West Northamptonshire Code of Conduct.</p> <p>The Hearings Sub-Committee found that the Subject Member had breached paragraph 3.8 and 3.12 of the West Northamptonshire Code of Conduct in that they had predetermined the decision and in doing so had improperly used their position as a councillor to disadvantage the applicant which could be regarded as having brought the Council into disrepute.</p>	Closed

		<p>Sanctions applied:</p> <p>(a) Findings in respect of the Member's conduct be published; (b) Recommend to the Member's Group Leader that the Subject Member is suspended as a member of the Strategic Planning Committee and Planning Policy Committee for a period of three months from 1 June 2023.</p> <p>(c) Instruct the Monitoring Officer to arrange individual training for the Member to take place during the 3-month Committee suspension period.</p>	
05/12/22	<p>Parish Council Complaint received regarding alleged aggressive behaviour by the subject Member at a meeting of the Parish Council</p>	<p>The Deputy Monitoring Officer undertook an initial assessment of the complaint with the Independent Person. It was the view of the Deputy Monitoring Officer that an investigation would not be proportionate and in the public interest. The complaint was not considered to be sufficiently serious and the Deputy Monitoring Officer considered that there may be a tit for tat element to this complaint. The Deputy Monitoring Officer therefore decided that no further action should be taken.</p>	Closed
6/12/22	<p>Parish Council Complaint relates to a Member appointment and a previously closed complaint following the resignation of the subject Member.</p>	<p>A response has been provided regarding the appointment process and a review took place regarding the previously closed complaint as the subject Member is once again a Member. The Deputy Monitoring Officer confirmed that there is no right of appeal to the Deputy Monitoring Officer's decision not to re-open the complaint.</p>	Remained closed

Code of Conduct Complaints received from January 2023 – 1 August 2023

Date received	Council	Assessment of the Monitoring Officer	Status
16/01/23 WNC01	<p>WNC Complaint received regarding comments</p>	<p>The Deputy Monitoring Officer assessed the complaint with the Independent Person and decided</p>	Closed

	made by a Councillor on his personal social media account	that no action should be taken in respect of the complaint as it was deemed that the subject Member was not acting as a Councillor as this social media account related to them as an individual and not as a Councillor of WNC.	
23/01/23 WNC02	Parish Council The complainant makes allegations of bullying and aggression by the subject Member	The Deputy Monitoring Officer assessed the complaint with the Independent Person and decided that no action should be taken in respect of this complaint as it is outside the scope of the remit of the standards complaints process as it refers to a long-standing legal dispute.	Closed
27/02/23 WNC03	Parish Council The complaint relates to the subject Member signing letters for works to be undertaken	A formal complaint was not submitted therefore the complaint file was closed	Closed
07/03/23 WNC05	Parish Council The complaint relates alleged aggressive behaviour (same complaint as WNC06)	The Deputy Monitoring Officer closed the complaint as the subject Member is no longer a Parish Councillor.	Closed
07/03/23 WNC06	Parish Council The complaint relates alleged aggressive behaviour (same complaint as WNC05)	The Deputy Monitoring Officer closed the complaint as the subject Member is no longer a Parish Councillor.	Closed
27/02/23 WNC07	Parish Council The complaint relates to alleged divisive and untrue information published on the Parish Council's social media site	The Deputy Monitoring Officer assessed the complaint with the Independent Person and decided that the complaint is outside scope as it relates to the Parish Council not the subject Member.	Closed
21/03/23 WNC08	Parish Council The complaint relates to alleged disrespectful and misogynistic tones by the subject Member during a Parish Council meeting	The Deputy Monitoring Officer assessed the complaint with the Independent Person and further information from the complainant was requested. After four weeks this information was not received, therefore the complaint was closed.	Closed
10/03/23 WNC09	WNC The complaint relates to a lack of response from an email to the subject Member	The Deputy Monitoring Officer assessed the complaint with the Independent Person and decided this complaint was outside scope and therefore closed.	Closed

05/04/23 WNC10	Parish Council The complaint relates to alleged poor governance of the Parish Council, incorrect completion of Register of Interest and bullying	This complaint is currently being pre-assessed by the Deputy Monitoring Officer	Live – This complaint is being assessed
27/4/23 WNC12	WNC The complaint relates to the subject Member's alleged aggressive dog	The Deputy Monitoring assessed the complaint and decided it was outside scope as the subject Member was not acting in their capacity as a Councillor	Closed
03/05/23 WNC13	Parish Council The complaint relates to incomplete Register of Interest of the subject Member	The Deputy Monitoring assessed the complaint and decided that the complaint should be closed as the subject Member had updated their Register of Interest.	Closed
04/05/23 WNC14	Parish Council The complaint relates to alleged disrespectful behaviour of the subject Member	The complaint was submitted on behalf of a number of Councillors. All have been individually contacted to ascertain if they want to submit the complain themselves. Complaint forms have not been received and the complaint is therefore closed but a new file will be opened should a complaint form(s) be received.	Closed
09/05/23 WNC15	Parish Council The complaint relates to alleged bullying behaviour of the subject Member	The Deputy Monitoring Officer agreed more information is required before the complaint can be assessed	Live - pending further information being provided
23/05/23 WNC16	Parish Council The complaint relates to alleged bullying behaviour of the subject Member	The Deputy Monitoring Officer assessed the complaint with the Independent Person and agreed to close the complaint as it is outside scope of the Code of Conduct complaints process.	Closed
05/07/23 WNC17	WNC The complaint relates to the alleged incomplete Register of Interest forms of three Members	The Deputy Monitoring Officer assessed the complaint and had dialogue with the subject Members regarding the completion of their Register of Interest forms that were updated where applicable.	Closed
05/07/23 WNC18	Parish Council The complaint relates to the alleged incomplete Register of Interest forms of the subject Member	The Deputy Monitoring Officer is assessing the complaint	Live – Currently being assessed

02/07/23 WNC19	WNC The complaint alleges that the subject Member has brought the Council into dispute by their actions.	The Deputy Monitoring Officer is assessing the complaint	Live – Currently being assessed
13/07/23 WNC20	WNC The complaint refers to the subject Member’s alleged lack of engagement with the community.	The Deputy Monitoring Officer assessed the complaint with the Independent Person and agreed this complaint is out of scope as it relates to lack of engagement by the ward Councillor. The extent to which ward Councillors engage with the local community is not within scope.	Closed
01/08/23 WNC21	Parish Council The complaint refers to the three subject Members allegedly acting outside the governance [processes] of the Parish Council	The complaint is currently awaiting pre- assessment.	Live – awaiting pre assessment

5 Issues and Choices

- 5.1. Members are asked to note the information provided in respect of the Code of Conduct complaint process and complaints received.

6 Implications (including financial implications)

6.1 Resources and Financial

- 6.1.1 There are no financial implications arising from the recommendation.
- 6.1.2 There are no Officer cost and time implications arising directly from this report, however, the Committee will be aware that the handling and processing of complaints is resource intensive. A high volume of complaints could have an impact upon resources. It is therefore important that the Committee promotes and maintain high standards of conduct by all Councillors to help limit the number of complaints.

6.2 Legal

- 6.2.1 The Council has a statutory duty under section 27 of the Localism Act 2011, to promote and maintain high standards of conduct by members and co-opted members of the Council. In discharging its duty, the Council must adopt a code dealing with the conduct that is expected of Members when they are acting in that capacity.

6.2.2 Under Section 28 of the Localism Act 2011, the Council must have in place 'arrangements' under which allegations that an elected or co-opted councillor of the Council or of a town or parish council within West Northamptonshire has failed to comply with the relevant Code of Conduct, can be considered and decisions made. It is for the Council to decide the details of those arrangements, but they must appoint at least one Independent Person whose views are to be taken into account before making a decision to investigate a complaint.

6.2.3 Complaints are received in accordance with the arrangements for dealing with allegations of breaches of the West Northamptonshire Members' Code of Conduct and of Codes adopted by Town/Parish Councils within West Northamptonshire. The Council has a legal duty to respond to such complaints.

6.3 **Risk**

6.3.1 There are none specifically.

6.4 **Communication and Consultation**

6.4.1 This is an update report which monitors complaints handling and is therefore not appropriate for wider consultation.

6.5 **Consideration by Overview and Scrutiny**

6.5.1 This is an update report which monitors complaints handling and it is therefore not appropriate to be referred to Overview and Scrutiny.

6.6 **Climate Impact**

6.6.1 There are no immediate climate implications arising from this report.

6.7 **Community Impact**

6.7.1 There are no immediate community implications arising from this report.

7 Background Papers

Complaints received in respect of the arrangements for dealing with allegations of breaches of the West Northamptonshire Members' Code of Conduct and of Codes of Conduct adopted by Town/Parish Councils within West Northamptonshire. These records contain exempt information (Categories 1 (Information relating to any individual) and 2 (Information which is likely to reveal the identity of an individual))