

WEST NORTHAMPTONSHIRE COUNCIL

DEMOCRACY AND STANDARDS COMMITTEE 28 JULY 2022

Report Title	STATISTICS – CODE OF CONDUCT ARRANGEMENTS SIX MONTHLY UPDATE
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List of Appendices

None.

1. Purpose of Report

- 1.1 The report provides details of the operation of the Register of Members' interests 2022/2023 for the Committee's information.

2. Executive Summary

- 2.1 The West Northamptonshire Council (WNC) 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.*

- 2.2 This is an opportunity for the Committee to be appraised of:

- (a) A precis of all completed complaints and any outstanding complaints of alleged breaches of the Code of Conduct since the complaint's statistics were reported to the Committee at its

meeting in January 2022. Any complaints that were reported to the January 2022 meeting that are still live have been included within the information detailed at paragraph 4.1 below. This is in accordance with the Committee's duty to discharge functions in relation to the promotion and maintenance of high standards of conduct within West Northamptonshire Council and Town and Parish Councils within the area of West Northamptonshire.

- (b) The procedure and process in dealing with complaints of alleged breaches of the Code of Conduct.

3. Recommendations

3.1 It is recommended that the Democracy and Standards Committee:

- a) Notes the statistics in relation to the number of complaints received and dealt with, in respect of the Code of Member Conduct.
- b) Notes the process that is followed in dealing with complaints received in respect of the Code of Member Conduct.

3.2 Reason for Recommendations

- 3.2.1 The recommendations are intended to enable the Committee to receive statistical data in relation to the number of complaints received and dealt with in respect of the Code of Member Conduct and thereby enable it to carry out its Standards responsibilities effectively.
- 3.2.2 To enable the Committee 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 Code of Conduct to enable them to fulfil their public functions effectively.
- 3.2.3 The recommendations enable the Committee to receive details of the process used in dealing with complaints received in respect of the Code of Member Conduct.

4. Report Background

4.1 As detailed in paragraph 2.1 above, *"The Standards responsibilities of the Committee are 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 will be provided to inform this role of the Committee.

Complaints – Member Code of Conduct

- 4.2 The adopted arrangements for dealing with allegations of breach of the code of conduct for councillors 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 with a view to a report then being considered by the Standards Committee.
- 4.3 The analysis 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. Complaints against councillors of the predecessor councils who did not stand for re-election and were therefore not investigated have not been included (this does relate to one of the complaints).
- 4.4 Certain 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 complaints in relation to the Code of Conduct are set out below.

Date received	Council	Assessment of the Monitoring Officer	Status
06/07/21	Parish Council Complaint regarding alleged bullying.	The complaint is currently on hold whilst the results of another matter are awaited.	Live whilst the results of another matter are awaited
12/01/22	West Northants Council Two complaints submitted regarding the completion of all sections of the Register of Interest form	The Monitoring Officer held discussions with the subject Member. Matter resolved informally	Closed
12/02/22	West Northants Council Complaint submitted regarding alleged conflicts of interest at a meeting of an area Planning Committee	The Monitoring Officer consulted the Independent Person and assessed that there had been a potential breach of the Code - Referred for Investigation	Investigator's report to be finalised
.28/02/22	Parish Council	The Monitoring Officer consulted the Independent	Open – referred for investigation

	Complaint against a Councillor regarding alleged Linguistic racism and aggressive behaviour during a meeting	Person and assessed that there had been a potential breach of the Code - Referred for Investigation	
01/03/22	Parish Council Complaint against a councillor regarding alleged linguistic racism during a meeting	The Monitoring Officer consulted the Independent Person and assessed that there had been a potential breach of the Code - Referred for Investigation	Open – referred for investigation
17/03/22	West Northants Council Complaint against a Councillor regarding not responding to a resident's email	The complainant withdrew the complaint as the issue had been resolved	Closed - the complainant withdrew the complaint as the issue had been resolved
25/04/22	Predecessor Council Complaint against a now former Councillor regarding issues pre 1 April 2021.	The Monitoring Officer closed the complaint as this related to pre 1 April 2021.	Closed
26/04/22	West Northants Council Complaint against a Councillor regarding alleged disrespectful behaviour towards another Councillor during a meeting	The Monitoring Officer is currently undertaking an initial assessment of the complaint	Open – the Monitoring Officer is undertaking an initial assessment of the complaint
01/05/22	West Northants Council A complaint submitted regarding the completion of all sections of the Register of Interest form	The Monitoring Officer is in discussions with the Councillor regarding the complaint and their Register of Interest form	Open
04/05/22	West Northants Council Complaint against a Councillor regarding social media activity	The Monitoring Officer has requested the complainant to provide further details in order that the complaint can be assessed.	Live – awaiting further information from the complainant
30/05/22	Parish Council Complaint against two Councillors regarding threatening behaviour towards the complainant	The Monitoring Officer is in the process of undertaking an initial assessment of the complaint	Live
30/05/22	Parish Council Complaint against a Councillor regarding alleged disrespectful behaviour during a meeting	The Monitoring Officer is in the process of undertaking an initial assessment of the complaint	Live
04/06/22	West Northants Council	The Monitoring Officer is in the process of undertaking an	Live

	Complaint against a Councillor regarding alleged disrespectful behaviour towards Councillors and staff	initial assessment of the complaint	
17/06/22	Parish Council Complaint against a Councillor regarding ridiculing or demeaning towards another Councillor and picking on them or setting them up to fail	The Monitoring Officer is in the process of undertaking an initial assessment of the complaint	Live
27/06/22	Parish Councillor Complaint against a Councillor regarding online bullying and racism	The Monitoring Officer has requested further information regarding the complaint for an initial assessment to take place	Live - awaiting further information
29/06/22	West Northants Council Complaint against a Councillor regarding correspondence sent in relation to a planning matter.	The Monitoring Officer has requested further information regarding the complaint for an initial assessment to take place	Live - awaiting further information

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 immediate financial implications arising from the proposals.
- 6.1.2 There are no direct manpower implications arising 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 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 their codes or Council’s Code of Conduct, can be considered and decisions made on such allegations. 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 Parish Councils within West Northamptonshire. The Council has a legal duty to respond to complaints made against councillors of allegations of a breach of the Code of Conduct.

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. An annual report of the Committee will include complaints handling through the Committee.

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 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))