

WEST NORTHAMPTONSHIRE COUNCIL
DEMOCRACY AND STANDARDS COMMITTEE
12 JANUARY 2023

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

None.

1. Purpose of Report

- 1.1 The report provides details of the annual statistics in relation to the Code of Conduct Arrangements 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 on 28 July 2022. Any complaints that were reported to the July 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 was provided to the Committee at its meeting on 28 July 2022.

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.

3.2 Reason for Recommendations

- 3.2.1 The recommendations are intended to provide the Committee with statistical data in relation to the number of complaints received and dealt with in respect of the Code of Member Conduct and so 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.

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 are 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.
- 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 complaints in relation to the Code of Conduct are set out below.

Information regarding complaints in accordance with the Code of Member Conduct provided to the meeting of the Democracy and Standards Committee – 28 July 2022

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

Date received	Council	Assessment of the Monitoring Officer	Status
06/07/21	Parish Council Complaint regarding alleged bullying.	The Monitoring Officer considered the complaint and determined it was not in the public interest to pursue.	Closed
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 – no further action, inconclusive evidence.	Closed
28/02/22 and 01/03/22	Parish Council Complaint against a Councillor regarding alleged linguistic racism and aggressive behaviour 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.	Complaint in final stages – to be concluded shortly.
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
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 undertook an initial assessment of the complaint - no further action	Closed
01/05/22	West Northants Council A complaint submitted regarding the completion	The Monitoring Officer is in discussions with the Councillor regarding the complaint and their Register of Interest	Closed

	of all sections of the Register of Interest form	form which has now been updated – no further action.	
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. No further information received.	Closed
30/05/22	Parish Council Complaint against two Councillors regarding threatening behaviour towards the complainant	The Monitoring Officer undertook an initial assessment of the complaint regarding alleged threatening and intimidating behaviour. Based on the lack of evidence to support the allegations no further action proposed.	Closed
30/05/22	Parish Council Complaint against a Councillor regarding alleged disrespectful behaviour during a meeting	The Monitoring Officer undertook an initial assessment of the complaint and made contact with the subject Member for their comments – At this point the subject Member resigned from the Parish Council.	Closed
04/06/22	West Northants Council Complaint against a Councillor regarding alleged disrespectful behaviour towards Councillors and staff	The Monitoring Officer undertook an initial assessment of the complaint but was unable to contact the complainant (no name was provided on the complaint form) for further information as their email address did not appear to be valid and two voicemail messages were left on their mobile asking them to contact the Monitoring Officer – no further action.	Closed
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 undertook an initial assessment of the complaint and determined no further action	Closed
27/06/22	Parish Councillor Complaint against a Councillor regarding online bullying and racism	The Monitoring Officer has requested further information regarding the complaint, following which the complainant withdrew their complaint.	Closed
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. The further information was not provided by Complainant – no further action.	Closed

Complaints below received after the report to the Democracy and Standards Committee of 28 July 2022 that covered the period up to 30 June 2022

Date received	Council	Monitoring Officer Assessment	Status
21/07/22	West Northants Council The complaint submitted appeared to relate to the subject Member in relation to when they served as a Councillor for a predecessor Council, further information was required and requested to assess the complaint.	The Monitoring Officer requested further information regarding the complaint in order for it to be assessed. No additional information was received – no further action.	Closed
01/08/22	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
18/08/22	West Northants Council Complaint received regarding alleged disrespectful behaviour towards the complainant	The Monitoring Officer assessed the complaint and concluded that the subject Member was not acting in their capacity as a Councillor. No further action.	Closed
17/08/22	Parish Council Complaint received regarding alleged bullying behaviour	The Monitoring Officer assessed the complaint, further information was requested from the complainant but this was not received and the complaint closed.	Closed
23/08/22	Parish Council Complaint regarding the subject Member's behaviour during a Council meeting	The Monitoring Officer assessed the complaint and concluded that the allegations relate to Parish Council business over which the Monitoring Officer has no jurisdiction.	Closed
03/09/22	West Northants Council Complaint regarding the language used by the subject Member in correspondence	The Monitoring Officer assessed the complaint and concluded that after careful consideration of the issues raised and in accordance with the West Northamptonshire Council Members' Code of Conduct, that it is deemed that there will be no further action taken in respect of this complaint.	Closed
06/09/22	West Northants Council Complaint received regarding correspondence sent by the subject Member	The Monitoring Officer requested further information from the complainant in order to be able to assess the complaint. Further information was not received – no further action.	Closed

09/09/22	West Northants Council Complaint received that the subject Member confirmed he would provide funding from the Covid Grant but this was not provided	The Monitoring Officer investigated the matter and spoke with the subject Member - the funding was provided to the complainant. No further action.	Closed
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 Monitoring Officer is assessing the complaint with the Independent Person.	Live - being assessed
14/10/22	Parish Council Complaint received regarding alleged abusive comments within correspondence.	The Monitoring Officer is assessing the complaint with the Independent Person.	Live - being assessed
8/11/22	Parish Council Complaint received regarding two Councillors alleged disclosure of confidential information at a meeting.	The Monitoring Officer has assessed the complaint and the subject Member has issued an apology. No further action.	Closed
8/11/22	West Northants Council and Parish Council Complaint received regarding alleged disrespectful behaviour of the subject Member	The Monitoring Officer is assessing the complaint with the Independent Person.	Live – being assessed
15/11/22	West Northants Council Complaint received against three Members regarding alleged pre-determination regarding a Planning application. Behaviour in relation to one member.	The Monitoring Officer assessed the complaint with the Independent Person – Referred for investigation	Live - referred to an independent Investigator
16/11/22	Parish Council Complaint received containing a link to a YouTube video of the conversation between the complainant and the subject Member regarding alleged aggressive behaviour.	The Monitoring Officer assessed the complaint, together with the Independent Person, and concluded that the video evidence could not be used due to the poor quality and covert nature of the recording. It was also not clear whether the Member was acting in their capacity as a Councillor at the time of the recording. No further action.	Closed
05/12/22	Parish Council Complaint received regarding alleged	The Monitoring Officer is undertaking an initial assessment of	Live - initial assessment being undertaken

	aggressive behaviour by the subject Member at a meeting of the Parish Council	the complaint with the Independent Person.	
6/12/22	Parish Council Complaint relates to a Member appointment and a previously closed complaint following the resignation of the subject Member.	A response has been provided regarding the appointment process and a review is underway regarding the previously closed complaint as the subject Member is once again a Member.	Live - review being undertaken

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 for 2021/2022 contained details of 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))