



Standards Sub Committee

24 September 2018

Subject: To Review the Number, Nature and Outcome of Complaints received during the Civic Years 2016/2017 – 2018/2019

Report by:

Director of Resources

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Purpose / Summary:

This report presents a data analysis of the number, nature and outcome of complaints received under the Code of Conduct regime for the civic years 2016/17, 2017/2018 and 2018/19 (to-date).

The report further asks Members to give consideration as to whether the Standards Sub-Committee should undertake pro-active work in the run up to all out Elections in 2019.

RECOMMENDATION(S): that

- (a) Members note the statistical data presented within the report; and**
- (b) Members give consideration as to whether proactive work should be undertaken in the run up to the 2019 all out Elections**

IMPLICATIONS

Legal:

Financial :

Staffing :

Equality and Diversity including Human Rights :

Risk Assessment :

Climate Related Risks and Opportunities :

Title and Location of any Background Papers used in the preparation of this report:

Wherever possible please provide a hyperlink to the background paper/s
If a document is confidential and not for public viewing it should not be listed.

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman) **Yes** **No**

Key Decision:

A matter which affects two or more wards, or has significant financial implications **Yes** **No**

1 Background and Introduction

1.1 During the Civic Year 2016/17 the Standards Sub-Committee undertook a considerable amount of work in reviewing the Authority's Code of Conduct.

1.2 In support of the rationale for change the Committee were also provided with statistical information which covered the period 1 October 2015 – 30 September 2016.

1.3 As a result, a revised Code of Conduct was formally adopted by the District Council in May 2017, and incorporated provisions relating to

- Respect / Bullying and Harassment
- Confidential Information; and
- Use of Resources

1.4 On adoption of the New Code of Conduct, the Standards Sub Committee also resolved that Officers be requested to report regularly to this Committee the number, nature and outcome of complaints received under the Code of Conduct.

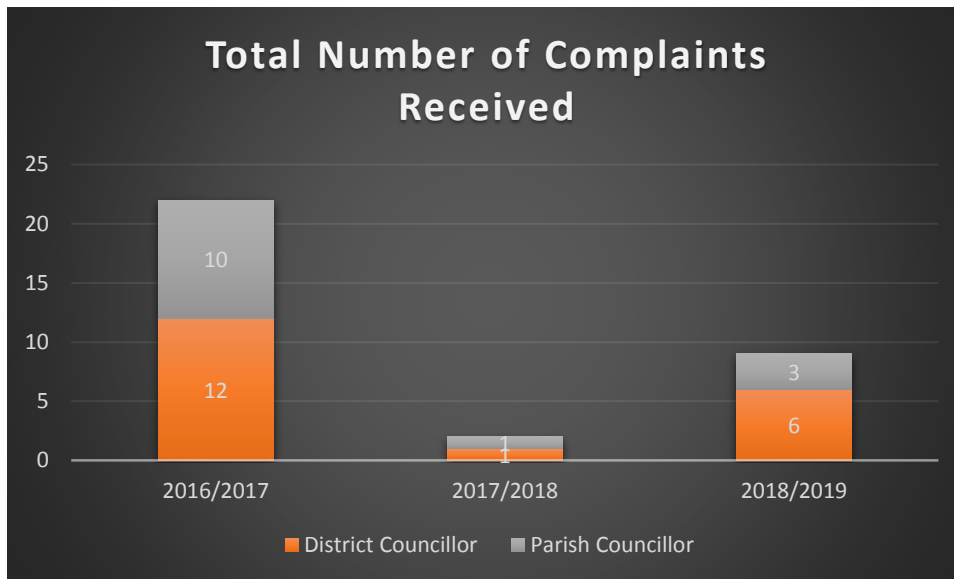
1.5 This report sets out statistical information for: -

- the Full Civic year before the adoption of the new Code (2016/17);
- the Full Civic year after the adoption of the new Code (2017/2018) during which time proactive work was being undertaken with Parish Councils with a view to them also adopting the Code; and
- the current civic year (2018/19) to-date.

1.6 It is hoped that by providing data for both pre and post adoption of the new Code, the Sub-Committee may be able to identify the impact, if any, the Code's adoption has had and determine whether undertaking further pro-active work around the standards of behaviour expected would be of assistance.

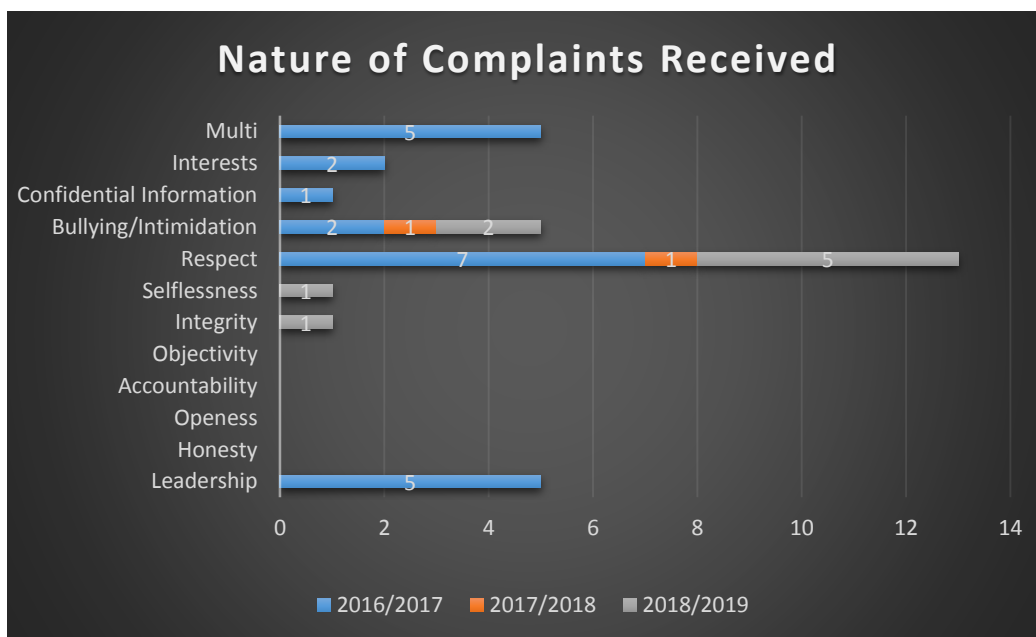
2. Summary of Number, Nature and Outcome of Complaints received during the Civic Years 2016/17, 2017/2018 and 2018/2019 (to-date)

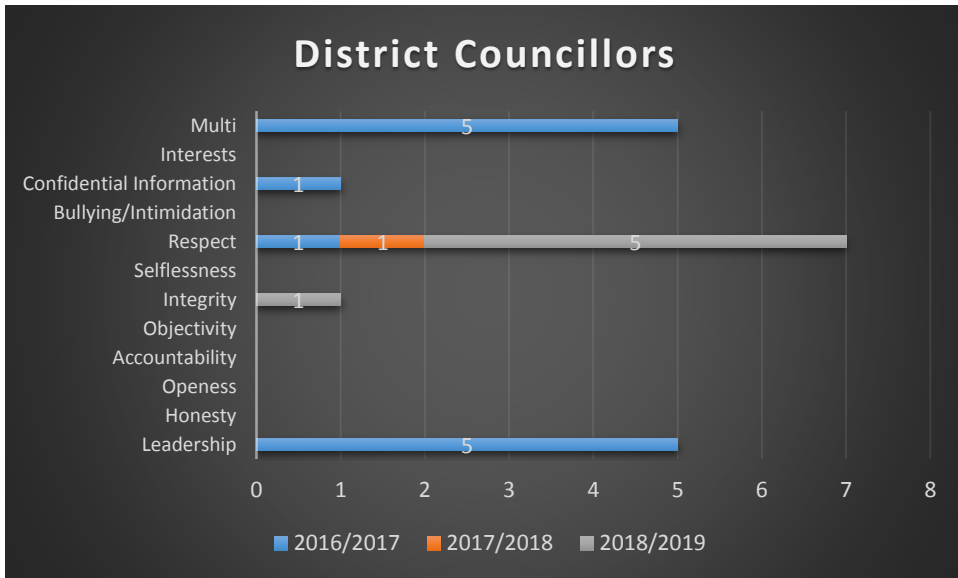
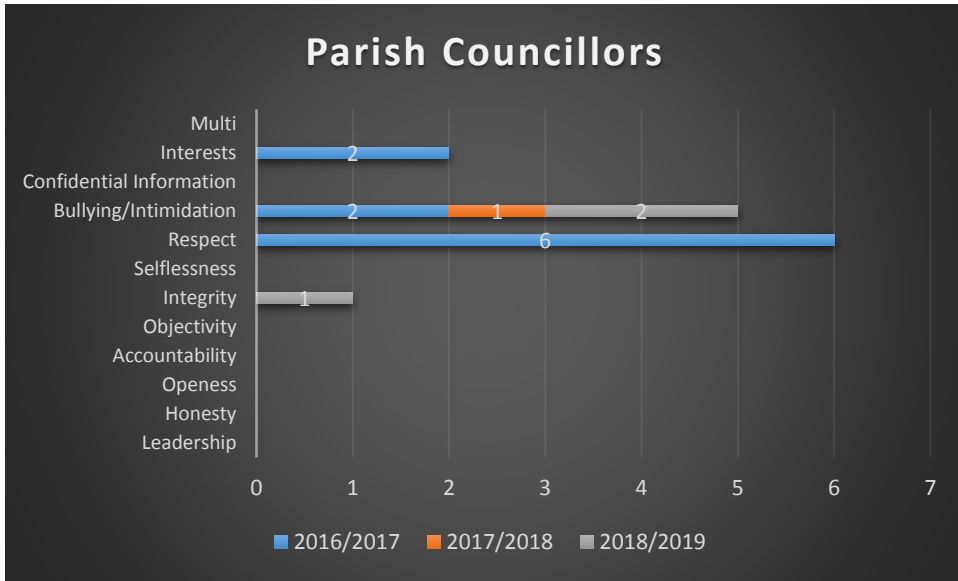
2.1 The graph below shows the total number of complaints received for each year and whether these were related to a Parish or District Councillor.



2.2 The charts below sets out:-

- a) the nature of the complaints received for each year as total.
- b) the nature of the complaints received for each year split between District Councillors and Parish Councillors.

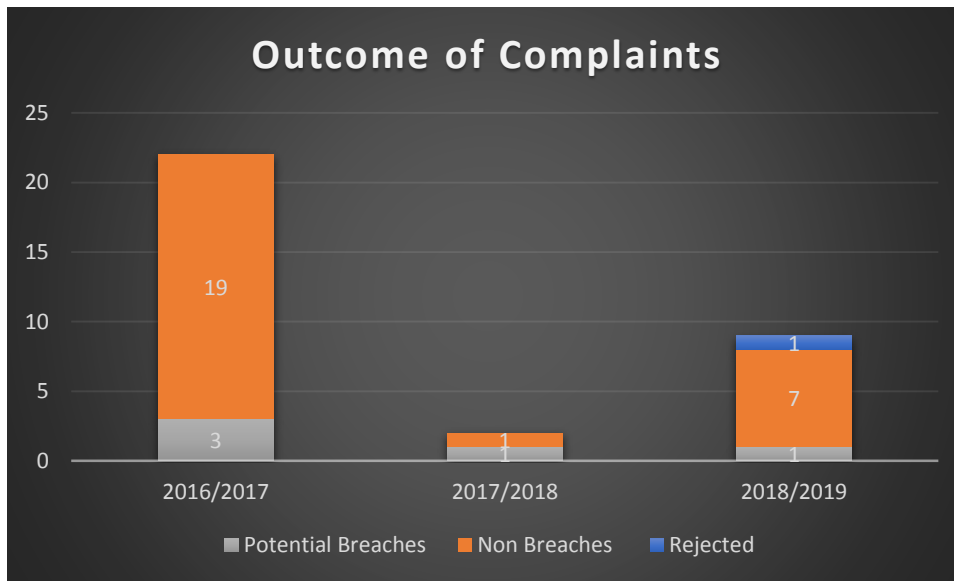




Note:

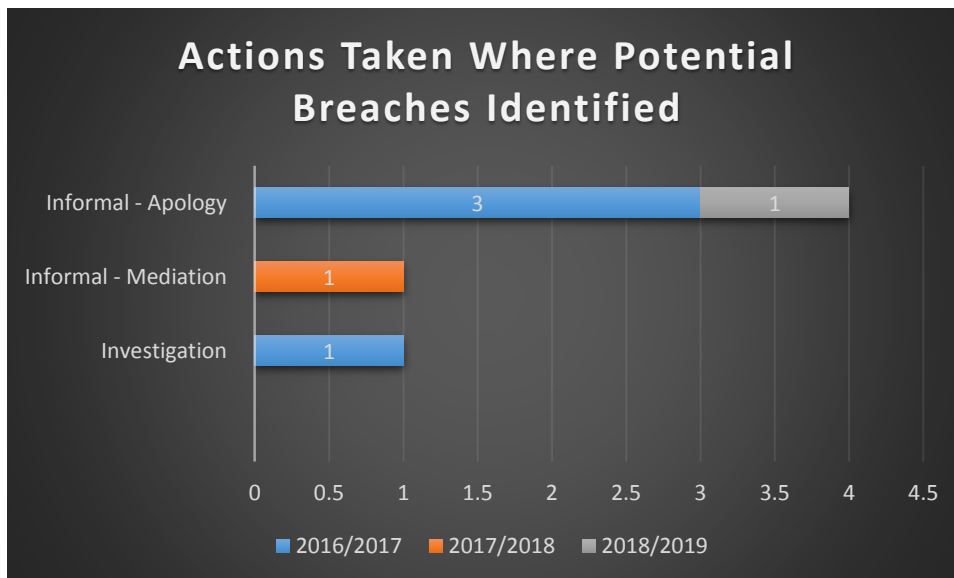
It should be noted that the way in which data is collated changed with the introduction of the new Code. It is difficult to make direct comparison and some Officer interpretation is used when categorising the complaints.

2.3 The Chart below sets out the outcome of each complaint received during each year

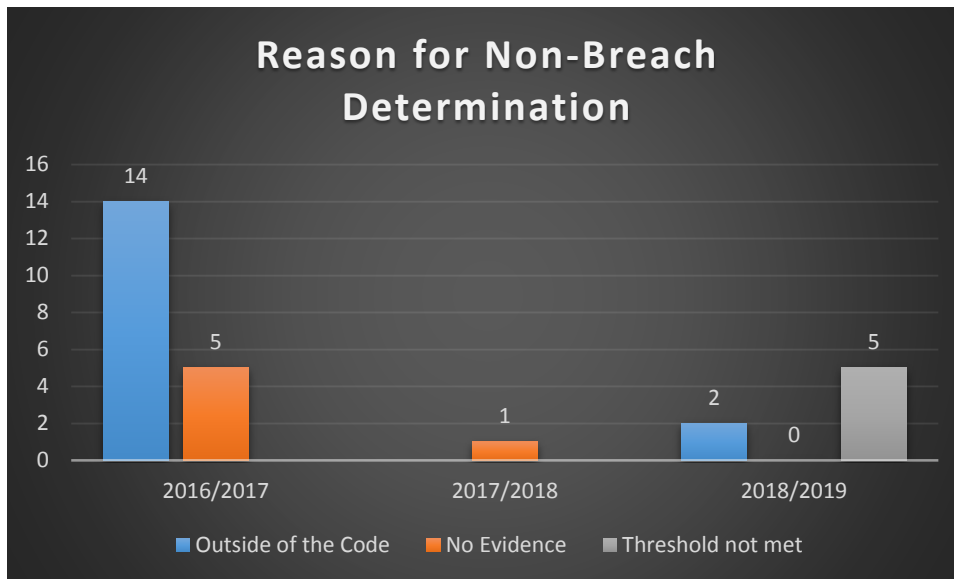


Note: These cases are deemed potential breaches as no formal investigation has been undertaken at this stage in the process.

2.4 The Chart below sets out the action taken in respect of each case where a potential breach of the Code was identified.



2.5 The final Chart sets out the reasons why those complaints deemed to have been a “non-breach” were so.



3. Current approach

3.1 As indicated on its adoption, the Code is enforced with the ethos of good governance, openness and transparency underpinning any decisions made. Local and informal resolution is always used wherever possible. This is particularly important due to the imposable sanctions being limited. Complaints are only to be released into the public domain, when all forms of local and informal resolutions have failed.

3.2 Complaints regarding respect, bullying and harassment, are considered within a threshold of tolerance, with less tolerance applied for complaints regarding behaviour towards the public or very public acts.

3.3 That being said, the Code is not intended to stifle the rough and tumble of political debate, nor to enable malicious, petty, politically or personally motivated complaints to be pursued.

This can be demonstrated by the limited amount of complaints being pursued to formal investigation.

3.4 The Code aims to respect a Councillor's right to a private life, however, it is important to understand that the public, particularly in small communities, will never see their elected Members as off duty. In such cases elected Members are issued with polite reminders as to the impact their behaviour could have on the reputation of local democracy but no further action can legally be taken.

4. Summary

4.1 The number of complaints fell sharply following the introduction of the new Code for both Parish and District Councillors. However in the current civic year the number of complaints made has begun to raise particularly against District Councillors.

- 4.2 The main source of complaints continues to be respect, bullying and intimidation.
- 4.3 In recent months social media has been at the centre of a number of complaints
- 4.4 The majority of complaints still result in a “no breach” determination being made at the initial assessment stage. This is primarily as result of them relating to behaviour in a Councillor’s private capacity, or having been deemed to not meet the threshold worthy of investigation.
- 4.5 The number of complaints falling outside the Code has reduced significantly, but this is directly as a result of the additional provisions being included in the Code from May 2017 onwards.
- 4.6 Investigations are costly, and time consuming and with imposable sanctions being limited, this is arguably not a cost effective use of public funds. That being said costs would not prevent the most serious cases being further investigated and the public interest is also considered.
- 4.7 In all cases, except one, where a potential breach was identified they were resolved with a local informal resolution such as meditation or an apology without the need for investigation. Guidance has also been issued on the use of social media, and friendly yet firm reminders issued regarding personal behaviour within communities which Councillors represent
- 4.8 Only 1 case has resulted in investigation during the period, the outcome of which was determined that there had been no breach of the Code.

5 Moving Forward -

- 5.1 The Committee are asked to consider whether any further informal actions should be undertaken by the Monitoring Officer at this stage.

Examples could include

- * Issuing further guidance on social media and e-mail communications
- * More training on the Code
- * Issuing strong guidance on the run up to Purdah
- * Ensure the Code of Conduct is included with Candidate packs, so all candidates are clear in advance of the expectations should they be elected
- * Encouraging Chairman – to make better use of the Standing Orders to manage behaviour in meetings

6 Recommendations

On that basis, Members are asked to

- (a) note the statistical data presented within the report; and
- (b) give consideration as to whether proactive work should be undertaken in the run up to the 2019 all out Elections.