

Annual Standards Update

Corporate Priority:	All
Relevant Ward Member(s):	All
Date of consultation with Ward Member(s):	N/A
Exempt Information:	No

1 Summary

- 1.1 To update members on Member standards.

2 Recommendation(s)

That Committee:

- 2.1 **Note the information presented in relation to Code of Conduct Complaints for 2022-2023.**

3 Reason for Recommendations

- 3.1 It is important to ensure that high standards of probity and ethical framework are at the heart of corporate governance of the authority and to ensure transparency and accountability.

4 Background

4.1 Members Code of Conduct

- 4.1.1 Section 27 of the Localism Act 2011 requires that relevant authorities have a statutory duty to promote and maintain high standards of conduct by Members and co-opted Members of the authority
- 4.1.2 Authorities are required to adopt a Code dealing with the conduct that is expected of Members when they are acting in that capacity.
- 4.1.3 Section 28 of the Localism Act 2011 requires that Councils in England have in place arrangements under which allegations can be investigated and on which decisions on allegations can be made.
- 4.1.4 At its meeting on 16 December 2021, Council adopted a new locally amended Code of Conduct which became effective from 01 April 2022.

5 Main Considerations

5.1 Member Complaints Update 22-23

- 5.1.1 **Numbers of complaints** - The number of complaints received in 22-23 decreased from those received in 21-22 as per the table below which sets out the types of members complaints were made against.

	Number of Complaints Received		
Type	2020/21	2021/22	2022/23
Non-Executive	12	3	4
Executive	3	7	1
Parish	1	2	0
Total	16	12	5

- 5.1.2 **Origin of complaints** – most complaints are made by members of the public although there has been a small increase in the number of complaints received by members against members for 22/23. There has been a decrease in overall complaints received in 2022/23 when compared to 2021/22.

	Number of Complaints Received		
Type	2020/21	2021/22	2022/23
Public	15	9	-
Elected Member (Borough / Parish)	1	3	5
MP	-	-	-
Council Employee (Borough / Parish)	-	-	-
Other	-	-	-
Total	16	12	5

5.1.3 **Types of complaints** – whilst it is not possible to identify particular trends in the nature of the complaints, the following table provides an overview of the types of complaint received over the past three years:

Type	Number of Complaints Received		
	2020/21	2021/22	2022/23
Respect	3	-	2
Bullying, Harassment & Discrimination	1	3	1
Impartiality of Officers of the Council	-	-	-
Confidentiality & Access to Information	-	-	-
Disrepute	1	6	-
Use of Position	-	1	-
Use of Council Resources & Facilities	-	-	-
Making Decisions	3	-	-
Complying with the Code of Conduct	-	1	2
Interests	8	1	-
Gifts & Hospitality	-	-	-
Dispensations	-	-	-
Total	16	12	5

5.2 **Investigation of complaints** - Complaints are subject to a 2-stage consideration. The first stage requires preliminary consideration (initial assessment) of the complaint, in consultation with the Independent Person, to decide whether the complaint requires formal investigation. Formal investigation will include the appointment of an Investigating Officer to report to the Monitoring Officer, who will then report to the Standards Sub-Committee as to whether further action is recommended. The table below details the outcome of all complaints over the past three years:

Type	Number of Complaints		
	2020/21	2021/22	2022/23
Rejected at initial stage – not acting in capacity	-	2	1
Rejected at initial stage – insufficient evidence	1	5	-
Rejected – Code not engaged	1	1	2
Informal Resolution	9	-	-
Other Action	-	4	-
Formal Investigation	4	-	-
Ongoing			2

5.3 Outcomes of Complaints

	Number of Complaints		
Type	2020/21	2021/22	2022/23
Breach of Code	1	0	0
No Breach of Code	15	12	3
Outcome to be determined	0	0	2

5.4 Training

5.4.1 Councillors receive Code of Conduct training when they are elected as Members of the Council however until a Councillor submits a complaint or are the subject of a complaint they are often not familiar with the arrangements for dealing with the same. The arrangements are drafted in such a way as to ensure compliance with the requirements of the legislation.

5.4.2 Code of Conduct training was undertaken by all Borough members on 04 May 2022. A further session will be scheduled as part of the induction following the Borough/Parish Elections in 2023.

5.4.3 Parish Council members training was provided on Thursday 13 October 2022.

5.4.4 Further training will be provided to all members as part of the new member induction following the elections.

5.5 Lessons Learnt

5.5.1 The Council recognises that complaints are a valuable opportunity to gain feedback, learn and improve. The Monitoring Officer wants to ensure and provide a positive response to Member complaints and encourages feedback so the process remains fit for purpose.

5.5.2 A number of changes were approved by Audit & Standards in November 2022.

5.6 The process will continue to be reviewed by the Monitoring Officer to ensure it remains fit for purpose.

6 Options Considered

- 6.1 This report is to update the Committee as such there are no alternative options.

7 Consultation

- 7.1 The Constitutional Review Working Group (CRWG) have been consulted on the new operational processes on 08 March 2022 and their comments were incorporated.
- 7.2 The Chair of Audit & Standards was consulted following the CRWG.

8 Next Steps – Implementation and Communication

- 8.1 To consult with the Independent Person

9 Financial Implications

- 9.1 There are no financial implications arising from this report.

Financial Implications reviewed by: Director for Corporate Services

10 Legal and Governance Implications

- 10.1 The legal background is set out at the beginning of this report. There are no additional legal implications

Legal Implications reviewed by: Monitoring Officer

11 Equality and Safeguarding Implications

- 11.1 Reasonable adjustments will be made for those who are unable to complete a complaints form and / or follow the process as set out.

12 Community Safety Implications

- 12.1 There are no community safety implications arising from this report.

13 Environmental and Climate Change Implications

13.1 There are no environmental and climate change implications arising from this report

14 Other Implications (where significant)

14.1 There are no other implications.

15 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	No process would pose a risk to the openness, transparency, fair and efficient handling of complaints	Low	Marginal	Low Risk

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant				
	3 Low		1		
	2 Very Low				
	1 Almost impossible				

16 Background Papers

16.1 LGA Model Code of Conduct – Audit & Standards Committee 28.07.2020

16.2 Implementation of Best Practice Recommendations from the Committee on Standards in Public Life - Audit & Standards Committee 29.09.2020

16.3 Code of Conduct Update New Model Code – Audit & Standards Committee 09.03.2021

- 16.4 Revised Members Code of Conduct - Audit & Standards Committee 30.11.2021
- 16.5 Revised Members Code of Conduct - Council 16.02.2021
- 16.6 Members Code of Conduct & Standards update – 30.11.2022

17 Appendices

None

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