



## Annual Standards Update

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<b>Lead Member/Relevant Portfolio Holder</b>	<b>Councillor Margaret Glancy</b> , Portfolio Holder for Governance, Environment & Regulatory Services (& Deputy Leader)

<b>Corporate Priority:</b>	All
<b>Wards Affected:</b>	(All Wards);
<b>Date of consultation with Ward Member(s):</b>	N/A
<b>Exempt Information:</b>	No

### 1 Summary

1.1 To update members on Member standards over the last 12 months.

### 2 Recommendations

<b>That Committee:</b>	
2.1	<b>Note the information presented in relation to Code of Conduct Complaints for 2023-2024.</b>

### 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 (the 2011 Act) imposes a statutory duty on relevant authorities to promote and maintain high standards of conduct by Members and co-opted Members of the authority. In discharging that duty authorities must adopt a Code dealing with the conduct that is expected of Members when they are acting in that capacity. That Code must be based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 4.1.2 Section 28 of the 2011 Act requires that Principal Councils in England have in place arrangements under which allegations can be investigated and under which decisions on allegations can be made.
- 4.1.3 At its meeting on 16 December 2021, Council adopted an amended Code of Conduct which became effective from 01 April 2022.

## 5 Main Considerations

### 5.1 Member Complaints Update 23-24

- 5.1.1 **Numbers of complaints** - The number of complaints received in 23-24 decreased from those received in 22-23 as per the table below which sets out the types of members complaints were made against.

Type	Number of Complaints Received		
	2021/22	2022/23	2023/24
Non-Executive	3	4	2
Executive	7	1	3
Parish	2	0	1
<b>Total</b>	<b>12</b>	<b>5</b>	<b>6 *</b>

\* Note: 4 complaints have been received, one of which relates to 3 separate members.

- 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 2022/23. There has been a decrease in overall complaints received in 2022/23 when compared to 2021/22.

Type	Number of Complaints Received		
	2021/22	2022/23	2023/24
Public	9	-	4
Elected Member (Borough / Parish)	3	5	-
MP	-	-	-
Council Employee (Borough / Parish)	-	-	-
Other	-	-	-
<b>Total</b>	<b>12</b>	<b>5</b>	<b>4</b>

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		
	2021/22	2022/23	2023/24
Respect	-	2	3
Bullying, Harassment & Discrimination	3	1	4
Impartiality of Officers of the Council	-	-	3
Confidentiality & Access to Information	-	-	3
Disrepute	6	-	-
Use of Position	1	-	3
Use of Council Resources & Facilities	-	-	1
Making Decisions	-	-	-
Complying with the Code of Conduct	1	2	3
Interests	1	-	-
Gifts & Hospitality	-	-	-
Dispensations	-	-	-
<b>Total</b>	<b>12</b>	<b>5</b>	<b>20 ^</b>

^ Note: one complaint relates to several Members and alleges breaches of several code provisions by each, therefore multiplying each type stated.

5.2 **Investigation of complaints** - Complaints are subject to a 2-stage process. 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. If a formal investigation is required an Internal or External Investigating Officer will be appointed to investigate the allegation and report their findings to the Monitoring Officer. A report will then be prepared for the Standards Sub-Committee to consider and determine whether the allegation is proven and, if so, whether any sanctions are appropriate. The law requires the Independent Person's views to be taken into account when deciding whether an allegation is proven.

The table below details the outcome of all complaints over the past three years:

Type	Number of Complaints		
	2021/22	2022/23	2023/24
Rejected at initial stage – not acting in capacity	2	1	-
Rejected at initial stage – insufficient evidence	5	-	-
Rejected – Code not engaged	1	2	-
Informal Resolution	-	-	-
Other Action	4	-	-
Formal Investigation	-	-	-

Ongoing		2	3
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## Outcomes of Complaints

Type	Number of Complaints		
	2021/22	2022/23	2023/24
Breach of Code	0	0	-
No Breach of Code	12	3	-
Outcome to be determined	0	2	3

## 5.3 Training

5.3.1 Councillors receive Code of Conduct training when elected as a Member of the Council however, until a Councillor submits a complaint or is the subject of a complaint, they may not be 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.

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

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

5.3.4 Further training will be offered to all members following the Annual Meeting in May 2024.

## 5.4 Lessons Learnt

5.4.1 In addition to acknowledging and meeting its legal duty to have arrangements in place to deal with Complaints, the Council also recognises that reviewing complaints is a valuable opportunity to gain feedback, learn and improve. The Monitoring Officer strives to ensure a timely and effective response to Member complaints and encourages feedback, so that the process can be reviewed if necessary to remain fit for purpose.

5.4.2 Several changes were approved by Audit & Standards in November 2022.

5.4.3 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 Since this report is for update purposes only, consultation is not necessary.

## 8 Next Steps – Implementation and Communication

8.1 Complaints will continue to be considered in line with the approved procedure.

## 9 Financial Implications

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

**Financial Implications reviewed by: Assistant Director for Reserves**

## 10 Legal and Governance Implications

10.1 The legal background is set out in the body of this report. Appropriate legal advice will be given in relation to each complaint that is considered by the Standards Sub-committee.

**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 Data Protection Implications (Mandatory)

A Data Protection Impact Assessments (DPIA) has not been completed because there are no risks/issues to the rights and freedoms of natural persons.

## 13 Community Safety Implications

13.1 There are no community safety implications arising from this report.

## 14 Environmental and Climate Change Implications

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

## 15 Other Implications

15.1 There are no other implications.

## 16 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Having no process would fail to comply with a legal obligation and pose a risk to the open, transparent, fair, and efficient handling of complaints.	Low	Marginal	Low

		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				
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Risk No	Mitigation
1	Ensuring that the Council's procedure for handling complaints remains up to date and legally compliant.

## 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 – 28.03.2023

## 17. Appendices

- 17.1 None