

## **Audit & Governance Committee**

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**Date of Meeting:** 15 March 2018

**Report Title:** Member Code of Conduct 2018: Standards report

**Portfolio Holder:** Councillor J Paul Findlow, Corporate Policy and Legal Services

**Senior Officer:** Acting Director of Legal Services and Monitoring Officer

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### **1. Report Summary**

- 1.1. The purpose of the report is to advise the Committee of the number of complaints received under the Member Code of Conduct 2018 which are to be considered by the Acting Director of Legal Services (in his statutory capacity as the authority's Monitoring Officer) and the Independent Person. The report also notes the outcome, where complaints have been concluded.

### **2. Recommendation**

- 2.1. The Committee is asked to note the report.

### **3. Reasons for Recommendation**

- 3.1. To assist the Audit and Governance Committee in fulfilling its responsibility for promoting high standards of ethical behaviour by developing, maintaining and monitoring the Member Code of Conduct.

### **4. Other Options Considered**

- 4.1. Not applicable.

### **5. Background**

- 5.1. Cheshire East Council has adopted a new Code of Conduct, which came into force on 1 January 2018. It is the responsibility of the Audit and Governance Committee to monitor this Code.
- 5.2. This is the first report which gives details of complaints received under the new Code which the Committee will consider, and covers the period 1 January 2018 to 28 February 2018.

- 5.3. Between 1 January 2018 and 28 January 2018, 13 complaints were received by the Acting Monitoring Officer; 8 complaints concerned a Member of Cheshire East Council, whilst 6 were against Members of a town or parish council within the borough.

Part A: General Obligations		No. received	
Paragraph		Borough	Town Parish
1	Selflessness	3	4
2	Integrity	2	3
3	Objectivity	2	4
4	Accountability	2	2
5	Openness, sub paragraph (a) transparency	2	2
	Openness, sub paragraph (b) disclosure	-	-
6	Honesty, sub paragraph (a) declaring interests	2	2
	Honesty, sub paragraph (b) use of resources	-	-
7	Respect for others, sub paragraph (a) courtesy	6	5
	Respect for others, sub paragraph (b) equality	-	-
	Respect for others, sub paragraph (c) impartiality	-	1
	Respect for others, sub paragraph (d) bullying	3	3
8	Leadership	4	6
9	Gifts and hospitality	-	-
Part B: registering and declaring pecuniary and non pecuniary interests			
	Failure to register or declare an interest	-	3

[Note: the numbers may not tally with the number of complaints received as a Complainant may identify none or more than one paragraph in their complaint.]

#### 5.5 Revised complaints procedure

5.5.1 In accordance with the new procedure adopted by Council, the Monitoring Officer now undertakes a preliminary assessment of each complaint, consulting the Independent Person where appropriate, before making and notifying the Complainant of his/her decision on whether and how the complaint should proceed.

5.5.2 Of the 13 complaints received since 1 January 2018, five have yet to be preliminary assessed. The decision of the Acting Monitoring Officer in respect of the other eight complaints was as follows:

Complaint:	Borough	Town Parish
Rejected at preliminary assessment stage; failed to meet the assessment criteria	-	1
Referred for initial assessment	5	2

## **6. Implications of the Recommendations**

### **6.1. Legal Implications**

6.1.1. The Localism Act 2011 requires the Council to have a Code of Conduct which sets out the standards expected of Members whenever they act in their official capacity. The Code must also have a place in a suitable procedure at a local level to investigate and determine allegations against elected Members and co-opted Members.

6.1.2. The Council is also responsible for having arrangements in place to investigate and determine allegations against Town and Parish Councillors.

### **6.2. Finance Implications**

6.2.1. There is a cost to the authority when a complaint is referred for external investigation this is determined by market factors in terms of the availability of investigators identified through complaint procurement processes.

### **6.3. Equality Implications**

6.3.1. There are no direct equality implications.

### **6.4. Human Resources Implications**

6.4.1. There are no direct Human Resource implications.

### **6.5. Risk Management Implications**

6.5.1. If the Council fails to adopt and maintain a Code of Conduct and process for the investigation of complaints which is fit for purpose, robust and transparent then there are risks to the Council's reputation and also to the integrity of its corporate governance and decision-making processes.

### **6.6. Rural Communities Implications**

6.6.1. There are no direct implications for rural communities.

### **6.7. Implications for Children & Young People**

6.7.1. There are no direct implications for children and young people.

### **6.8. Public Health Implications**

6.8.1. There are no direct implications for public health.

## **7. Ward Members Affected**

7.1 Implications are borough wide.

## **8. Access to Information**

8.1. There are no background documents to this report.

## **9. Contact Information**

9.1. Any questions relating to this report should be directed to the following officer:

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