

# CHESHIRE EAST COUNCIL

## Audit and Governance Committee

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**Date of Meeting:** 16 March 2017  
**Report of:** Director of Legal Services  
**Subject/Title:** Members' Code of Conduct: Standards Report  
**Portfolio Holder:** Councillor Paul Findlow

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### 1.0 Report Summary

- 1.1 The purpose of the report is to advise the Committee of the number of complaints received under the code of conduct for Members which have been considered by the Director of Legal Services (in his capacity as the authority's Monitoring Officer) and the Independent Person. The report also notes the outcome, where complaints have been concluded.
- 1.2 The report previously considered by the Committee contained details of complaints received up to and including 31 August 2016. This report covers the period 1 September 2016 to the end of February 2017.

### 2.0 Recommendation

- 2.1 To note the report.

### 3.0 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 Codes of Conduct for Members of the Council.

### 4.0 Wards Affected

- 4.1 All

### 5.0 Local Ward Members

- 5.1 All

### 6.0 Policy Implications

- 6.1 The Localism Act places a statutory duty upon the Council to promote and maintain high standards of conduct amongst its own elected members, co-opted members and town and parish council members within the borough. Strong ethical governance is critical to good corporate governance of the authority and also supports the Council's decision-making processes across the organisation.

## **7.0 Financial Implications**

7.1 None identified.

## **8.0 Legal Implications**

8.1 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 Council must also have in place a suitable procedure at a local level to investigate and determine allegations against members.

8.2 The Code of Conduct also covers co-opted members.

8.3 The Council is also responsible for having arrangements in place to investigate and determine allegations against town and parish councillors.

## **9.0 Risk Management**

9.1 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.

## **10.0 Background**

10.1 Cheshire East Council adopted its Members' Code of Conduct in July 2012. It is the responsibility of the Audit and Governance Committee to monitor this code.

10.2 The report sets out details of the complaints received under the Members' Code of Conduct for the period 1 September 2016 to 28 February 2017 and, where concluded, the outcome.

10.3 Of the complaints received before 31 August 2016 and reported to the last meeting; one parish council complaint remains ongoing; this was referred for external investigation.

## **11.0 Summary of Complaints received**

11.1 Between 1 September 2016 and 28 February 2017, eighteen complaints were received by the Monitoring Officer. One complaint concerned a member of Cheshire East Council, whilst the remainder were against members of a town or parish council within the borough.

11.2 Of the above, three complaints concern member's who are both borough and town/parish councillor. However, as the allegations within the complaint concerned parish matters, they have been treated as a parish complaint for the purposes of this report.

11.3 The complaints can be broken down further as follows.

## 12.0 Complaints made against Cheshire East Councillors

12.1 In the single complaint received, the following paragraphs of Cheshire East Council Members' Code of Conduct were identified as allegedly having been breached:

<u>Part A: General obligations</u>		<u>paragraph</u>
1	Selflessness	1
2	Integrity	1
3	Objectivity	0
4	Accountability	0
5	openness (a) transparency	0
	openness (b) disclosure	0
6	honesty (a) declaring interests	0
	honesty (b) use of resources	0
7	respect for others (a) courtesy	0
	respect for others (b) equality	0
	respect for others (c) impartiality	0
	respect for others (d) bullying	0
8	leadership	
9	gifts and hospitality	0
<u>Part B: registering and declaring pecuniary and non pecuniary interests</u>		
Failure to register		0

[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.]

12.2 The decision of the Monitoring Officer was as follows:

Complaints awaiting initial assessment	0
No further action to be taken	1
Referred to the Monitoring Officer for informal resolution	0
Referred to Group Leader for informal action	0
To be referred by the Monitoring Officer for external investigation	0
Referred to the Police or other regulatory agency	0

### 13.0 Complaints made against Town/Parish Councillors

13.1 Of the seventeen complaints received between September 2016 and February 2017, the following paragraphs of the relevant town/parish council code of conduct were identified as allegedly having been breached:

<u>Part A: General obligations</u>		<u>paragraph</u>
1	selflessness	7
2	integrity	3
3	objectivity	8
4	accountability	7
5	openness (a) transparency	5
	openness (b) disclosure	2
6	honesty (a) declaring interests	1
	honesty (b) use of resources	2
7	respect for others (a) courtesy	8
	respect for others (b) equality	1
	respect for others (c) impartiality	0
	respect for others (d) bullying	5
8	leadership	5
9	gifts and hospitality	0
 <u>Part B: registering and declaring pecuniary and non pecuniary interests</u>		
	Failure to register	3

[Note: the numbers may not tally to the number of complaints received as a complainant may identify none or more than one paragraph in his/her complaint.]

13.2 Of the cases received, the decision of the Monitoring Officer was as follows:

Complaints awaiting initial assessment	6
No further action to be taken	5
Deferred for further information	1
Referred to Monitoring Officer for informal local resolution	3
Referred to Group Leader for informal action	0
To be referred by the Monitoring Officer for external investigation	2
Referred to the Police or other regulatory agency	0

### 14.0 Administering the process

14.1 The Monitoring Officer continues to receive a steady number of complaints. The current procedure for dealing with standards complaints has significantly increased the speed at which complaints are dealt with, with a high percentage of complaints being dealt with within the specified deadlines.

- 14.2 In comparing the number of complaints received, the period September 2016 to February 2017 has seen a significant rise in the number of complaints submitted from the previous six months (i.e. one borough and five town/parish complaints). However, when compared to the same period last year i.e. September 2015 – February 2016, the number of parish complaints is similar, although there has been a drop in borough Member complaints (i.e. eight borough and seven town/parish received).
- 14.3 Dealing with these complaints and often the preliminary advice and interaction with complainants before a formal complaint is received, takes a significant number of officer hours. The process itself by its very nature is detailed and requires a clear record of all decisions and complaints to be maintained.

## **15.0 Access to information**

- 15.1 There are no background papers relating to this report.

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