

Audit & Governance Committee

Date of Meeting: 5 December 2019

Report Title: Member Code of Conduct: Standards Report

Senior Officer: Jan Bakewell – Director of Governance & Compliance

1. Report Summary

- 1.1. The purpose of the report is to advise the Committee of the number and status of Member Code of Conduct complaints received in relation to Cheshire East Councillors and our Town and Parish Councillors.

2. Recommendation

- 2.1. That the report be noted.

3. Reasons for Recommendation

- 3.1. The Audit and Governance Committee is responsible 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. This report provides details of complaints received in the period 1 April 2019 to 30 September 2019 (the “current reporting period”).
- 5.2. During the current reporting period, there have been 12 complaints received. 5 in respect of Cheshire East Councillors and 7 in respect of a Town or Parish Councillor. 1 complaint in respect of a Town and Parish Councillor was rejected at preliminary assessment stage. 6 complaints in respect of a Town and Parish Councillor were taken to the independent assessment meeting. 3 complaints lodged against

Cheshire East Councillors were taken to the independent assessment meeting. The sole remaining 2 ongoing complaints, both against Cheshire East Councillors, have only just commenced the determination process.

- 5.3. The complaints in the current reporting period are broken down as follows:

Part A: General Obligations		No. received	
Paragraph		Borough	Town Parish
1	Selflessness	1	4
2	Integrity	3	3
3	Objectivity	4	0
4	Accountability	1	0
5	Openness, sub paragraph (a) transparency	2	0
	Openness, sub paragraph (b) disclosure	0	0
6	Honesty, sub paragraph (a) declaring interests	2	0
	Honesty, sub paragraph (b) use of resources	0	0
7	Respect for others, sub paragraph (a) courtesy	0	5
	Respect for others, sub paragraph (b) equality	0	1
	Respect for others, sub paragraph (c) impartiality	0	2
	Respect for others, sub paragraph (d) bullying	1	5
8	Leadership	4	3
9	Gifts and hospitality	0	0
10	Information	2	2
Part B: registering and declaring pecuniary and non pecuniary interests			
	Failure to register or declare an interest	2	0

[Note: the numbers may not tally with the total number of complaints received as a Complainant may identify more than one breach of the code in a single complaint.]

- 5.4. Members will of course be aware that since 1 January 2018 a new complaints process has been in effect, whereby the Monitoring Officer can reject complaints if they do not meet a Preliminary Assessment Criteria, which is designed to identify and dispose of complaints that have no prospect of being upheld.
- 5.5. This additional stage in the process was approved by Full Council as part of the Constitution Review and has proven to be extremely effective in ensuring that the resource available is focused on complaints which disclose short-comings in conduct which should quite properly be considered under the formal process.

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

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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. In the current reporting period, no complaints have been referred for external investigation.
- 6.2.2. There are no adjustments required to the Medium Term Financial Strategy as a result of this report.

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/Cared for Children

- 6.7.1. There are no direct implications for children, young people or cared for children.

6.8. Public Health Implications

- 6.8.1. There are no direct implications for public health.

6.9. Climate Change Implications

6.9.1. There are no direct implications for climate change.

7 Ward Members Affected

6.10. Implications are borough wide.

8 Access to Information

6.11. 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:

Name: Jan Bakewell

Job Title: Director of Governance & Compliance

Email: Jan.Bakewell@cheshireeast.gov.uk