

Audit & Governance Committee

Date of Meeting: 11 March 2020

Report Title: Member Code of Conduct: Standards Report

Senior Officer: David Brown – Director of Governance & Compliance

1. Report Summary

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

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 operation of the Member Code of Conduct.

4. Other Options Considered

- 4.1. Not applicable.

5. Report

- 5.1. This report provides details of complaints received in the period 1 September 2020 to 28 February 2021 (the “current reporting period”).
- 5.2. During the current reporting period, there have been a total of 37 complaints received, comprising the following:
 - 5 complaints in respect of Cheshire East Councillors. 4 of these complaints were disposed of with no further action, and 1 complaint remains outstanding.
 - 32 complaints in respect of Town or Parish Councillors. 20 of

these complaints were disposed of with no further action, 9 have been referred for formal investigation (in a total of two separate instructions), and 3 remain outstanding.

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

General Obligations		No. received	
		Borough	Town Parish
1	Selflessness	4	19
2	Integrity	3	21
3	Make choices on merit		8
4	Objectivity	3	25
5	Independent judgement	2	9
6	Accountability		12
7	Openness	2	21
8	Declaring interests	2	17
9	Use of resources		2
10	Leadership	4	35
11	Uphold the law and public trust	3	30
12	Treat others with courtesy	1	32
13	Breach equality laws		7
14	Compromise others	2	10
15	Bully any person	2	36
16	Intimidate any person	1	22
17	Disclosure of confidential information	1	10
18	Access to information	2	14
19	Pre-determination and bias	2	15

[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.
- 5.6. Complaints that do proceed to formal investigation in accordance with the adopted procedure will be investigated by an appropriate Council officer in most circumstances (such as a Deputy Monitoring Officer or senior lawyer). In some circumstances however this is not possible.

For instance, appropriately qualified officers may have already been involved in the detail of the complaint in question and may be seen not to be impartial, or a complaint may pose such a draw on Council resources it is necessary for it to be referred externally.

- 5.7. The Committee will be aware of the Local Government Association model code of conduct which has been published as recommended by the Standards in Public Life Committee Report. Councillors and members of the public have raised issues in respect of transparency. The Monitoring Officer will undertake a review of the Code of Conduct and associated arrangements for dealing with complaints during the second part of the current Constitution review.

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. In the current reporting period, two separate groups of complaints have been referred for external investigation (each as a single instruction), further details of which will be brought to the next Committee update.
- 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:

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