

Audit & Governance Committee

Date of Meeting: 27 September 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

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 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 report provides details of complaints received in the period 1 March 2018 to 31st August 2018.

5.3. Between 1 March 2018 to 31st August 2018 24 complaints were received by the Acting Monitoring Officer; fifteen complaints concerned a Member of Cheshire East Council, whilst nine were against Members of a town or parish council within the borough.

5.4 The complaints are broken down as follows:

Part A: General Obligations		No. received	
Paragraph		Borough	Town Parish
1	Selflessness	10	6
2	Integrity	8	3
3	Objectivity	13	2
4	Accountability	9	1
5	Openness, sub paragraph (a) transparency	11	5
	Openness, sub paragraph (b) disclosure	1	3
6	Honesty, sub paragraph (a) declaring interests	4	
	Honesty, sub paragraph (b) use of resources		
7	Respect for others, sub paragraph (a) courtesy	2	8
	Respect for others, sub paragraph (b) equality		2
	Respect for others, sub paragraph (c) impartiality		2
	Respect for others, sub paragraph (d) bullying		3
8	Leadership	2	4
9	Gifts and hospitality	1	
Part B: registering and declaring pecuniary and non pecuniary interests			
	Failure to register or declare an interest	7	1

[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 a change from the previous procedure, the Monitoring Officer will now undertake 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. This 'triage' has been introduced to enable complaints which do not engage the Code or are trivial, vexatious or 'Tit for Tat' to be rejected, without the need to convene an assessment meeting.

5.5.2 All of the complaints received in the period covered by this report have been preliminarily assessed. The decision of the Acting Monitoring Officer in respect of those complaints was as follows:

Complaint:	Borough	Town Parish
Rejected at preliminary assessment stage; failed to meet the assessment criteria	7	7
Referred for initial assessment; met the assessment criteria	8	2
Rejected at initial assessment	8	1
Matter ongoing	0	1

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.

6.2.2. There is also a cost to the authority relating to officer support to the process.

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:

Name: Daniel Dickinson

Job Title: Acting Director of Legal Services and Monitoring Officer

Email: monitoringofficercec@cheshireeast.gov.uk

10. Version Control

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Date	Version	Author	Meeting report presented to	Consultees		Summary of amendments made
				Name of officers consulted	Date consulted	