

STANDARDS AND ETHICS COMMITTEE
18 OCTOBER 2017**CODE OF CONDUCT AND COMPLAINTS UPDATE**

Recommendation

- 1. The Head of Legal and Democratic Services recommends that the Committee:**
 - (a) notes the outcomes of recent formal complaints that members have breached the Code of Conduct; and**
 - (b) considers whether any further general guidance to members is needed.**

Background

2. Since the last report to the Committee on the topic (July 2015) there have been 2 formal complaints that a Worcestershire County Councillor has breached the Code of Conduct for members. They have been dealt with on the Committee's behalf as set out in this report. There have been no referrals to the police for breach of the Disclosable Pecuniary Interest (DPI) provisions.

National picture

3. There have been no media reports of further prosecutions nationally for DPI breaches since the Dorset case previously reported to Committee. With the demise of the national Standards Board there are no longer national statistics available in relation to member Code cases.
4. The High Court has confirmed that local authorities do have the power to carry out initial 'pre-formal' investigations into conduct complaints, and can investigate complaints about conduct predating the new standards regime introduced by the Localism Act 2011. In a long-running case relating to serious complaints, a Sandwell councillor's application for judicial review to block the conduct process was rejected and he was ordered to pay the council's legal costs of £55k. The court said there were serious allegations with a powerful public interest in a thorough and fair investigation, and the councillor would have a full and fair chance to put his case forward at a hearing. The matter is now due to proceed to a disciplinary hearing at Sandwell.
5. In an east Devon and Honiton town case, the High Court found that a finding of a serious breach of the code of conduct could justify a training requirement to be imposed on a member, whilst noting there was no sanction if the member refused, other than publicity.

Local complaints

Complaint 1

6. A member of the public complained that a councillor had not replied to 2 emails. Initial enquiries indicated there had been a very rapid reply to the first email from the member, and that officers had attempted to contact the complainant in relation to the substantive issue but were unable to get through on the number provided. By oversight the matter had therefore not been concluded, nor a response given to a chaser.

7. The issue at stake was the resolution of the substantive matter rather than the conduct of the member as such. A formal investigation was not appropriate or necessary and instead a resolution was facilitated by the Head of Legal and Democratic Services as Monitoring Officer (MO) whereby the matter was resolved through a substantive response and apology being provided by officers to the complainant within 14 days of the formal complaint being filed online.

8. This was an example of where the MO looks for a realistic solution to resolve complaints promptly 'at source'.

Complaint 2

9. A complaint was received from an organisation about the actions of a councillor in making public criticisms of their management of a community asset without liaising with them. The Code was engaged, but initial enquiries indicated this was more a breakdown of communication rather than a matter of member conduct. The MO therefore proposed the best way of resolving the situation was by facilitating the two parties meeting in person to address the issues and work out a way forward. This meeting took place, went well, and the complaint was resolved.

Contact Points

County Council Contact Points

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Specific Contact Points for this report

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Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) there are no background papers relating to the subject matter of this report.