

STANDARDS AND ETHICS COMMITTEE 10 APRIL 2019

CODE OF CONDUCT – COMPLAINTS UPDATE

Recommendation

- 1. The Head of Legal and Democratic Services recommends that the Committee:**
 - (a) notes the formal complaint that has been made about the conduct of County Councillors; and**
 - (b) considers what, if any, further action should be taken to ensure members are aware of and comply with their obligations under the Code of Conduct.**

Summary

- 2. This report is to update the Committee on formal complaints about the conduct of councillors which have been dealt with since the last report in October 2018. The Committee has delegated to the Monitoring Officer the responsibility of filtering complaints received, in consultation with the Chairman and/or Independent person as may be appropriate, and so the MO reports to the committee on the decisions taken.**

Background

- 3. The Council receives a relatively small number of formal complaints concerning the conduct of county councillors. None of these have progressed to formal investigation but have been resolved informally one way or the other through the facilitation of the Monitoring Officer. Calendar year 2018 brought an unusually high number of formal complaints (8), 7 of which have been previously reported to the Committee. There were 4 formal complaints in 2013, 3 in 2014, 2 in 2015, 2 in 2016, and 1 in 2017. There have been none so far in 2019.**

Complaint 09/18

- 4. The complainant had an interest in an ongoing locally contentious matter and objected to the phrasing used by the county councillor when reporting to a meeting of the town/parish council with officers of the Council to explain progress and stumbling blocks.**

- 5. The Code clearly applied to the county councillor when reporting to the town/parish council as doing so in an official capacity. Preliminary enquiries were made by the MO into the circumstances, including consultation with the Committee chairman. The Monitoring Officer considered the filtering guidelines set by the Committee and decided that the matter would not be further investigated as no breach was disclosed by the complaint. The councillor had updated the town/parish council in good faith and with reasonable accuracy. The complaint centred on a minor semantic point of no great significance. Although the Code was engaged, the complaint did not disclose any potential breach. There was a margin of discretion for the councillor to describe the**

situation as he or she saw it, and the Code was not breached just because somebody took exception to the accuracy of part of the phrasing. There was no indication the councillor's contribution was disrespectful or brought the office or Council into disrepute and so no breach was disclosed to justify further action or investigation. Members of the public are entitled to disagree with their councillor, and indeed to express that disagreement, but that does not mean there is a breach of the Code. The complainant was notified of the outcome 2 days after the complaint was received.

Elections 2019

6. The Committee will be aware that all 6 district councils in Worcestershire are holding elections on 2 May 2019. Although the Council is not involved in the elections, the Monitoring Officer has provided updated 'traffic light' guidance to all members in relation to the 'Purdah' period which commenced on 22 March. It is hoped that this will ensure that no complaints are received that the purdah restrictions may have been breached.

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.