

STANDARDS AND ETHICS COMMITTEE

21 OCTOBER 2020

CODE OF CONDUCT – COMPLAINTS UPDATE

Recommendation

- 1. The Assistant Director for Legal and Governance recommends that:**
 - (a) the formal complaints that have been made about the conduct of County Councillors and their outcome be noted; and**
 - (b) the Committee 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 2019. 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 then 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 recently progressed to formal investigation but have been resolved one way or the other through the facilitation of the Monitoring Officer or no further action where appropriate. There were 4 formal complaints in calendar year 2013, 3 in 2014, 2 in 2015, 2 in 2016, 1 in 2017 and 7 in 2019. There have been 5 so far in 2020.

4. The Coronavirus outbreak has had an impact on workloads in the Department and on how quickly we are able to deal with complaints. Initial assessment is carried out promptly in case a referral to an Independent Person is appropriate. However, some of the complaints received in 2020 are still being reviewed, so we are unable to report an outcome to this meeting. Complainants have been informed that there are delays and have been very understanding of this.

Complaint 01/2020

5. This was a complaint from a member of the public that a councillor took a curt and rude tone in email exchanges and this demonstrated a lack of respect. However, following assessment of the exchanges and consultation with the Chairman, the complainant's emails were themselves at times combative or offensive. They did not disclose a breach of the Code nor justify a complaint about tone of the councillor's

response, which were within reasonable bounds in that context. Robust exchanges are not prohibited by the Code.

6. The Code does not prevent councillors setting out their views robustly, even forcibly. The perceived lack of quality in the content of communications are not Code issues, which relate to conduct of councillors, not the quality of their performance. Councillors are not employees and their conduct is not judged as such.

Complaint 02/2020

7. A member of the public complained that a member had encouraged trespass and shown lack of integrity after posting on social media about walking off a public path at a local golf club during the Coronavirus lockdown. It was also suggested that by subsequently removing the post the Councillor had not complied with the principle of accountability.

8. The member concerned had engaged in discussion on social media about their views at the time and subsequently removed the post. The member had also written to the golf club explaining why they had strayed from the public path and apologised for their actions.

9. No breach of the Code was disclosed. The post on social media did not indicate that the Councillor was expressing their views as a County Councillor (although other posts on the social media page related to County Council matters) and they were not acting as County Councillor when walking in the grounds of the club. In this instance, after reflecting on the social media post, the Councillor had removed it and apologised to the club for any misunderstanding and concern caused.

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 Assistant Director for Legal and Governance) there are no background papers relating to the subject matter of this report.