

STANDARDS AND ETHICS COMMITTEE

20 OCTOBER 2021

CODE OF CONDUCT – COMPLAINTS UPDATE AND MONITORING OFFICER REPORT

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;**
 - (b) The induction process for new Councillors following the County Council elections be noted; and**
 - (c) 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 January 2021. 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 7 in 2019 and 5 in 2020. There have been 5 so far in 2021.

4. Of the 5 complaints, 2 have been resolved informally by the Monitoring Officer and the others are currently being dealt with.

5. The 2 resolved were:

- a) a complex case based around a dispute with the County Council, about which the Councillor commented in the press. The MO sought an external view about the complaint which substantiated his view that the Councillor was entitled to express their view about a matter of public interest and no breach of the Code had occurred; and

- b) a complaint that a Councillor had breached data protection requirements in an e-mail. The Councillor confirmed they had done this in error and apologised to the complainant. They also attended the GDPR training run as part of induction following the elections. This was offered as a 'local resolution' to the complaint.

6. In addition to these complaints 3 others were received which did not concern Councillor conduct.

7. In January I reported that the Coronavirus outbreak had an impact on workloads in the Department and on how quickly we were able to deal with complaints. This intensified during the election and immediate post-election period. Initial assessment is carried out promptly in case a referral to an Independent Person is appropriate, but in some cases responses to the complainant have been delayed. We are now catching up with the outstanding complaints.

Elections

8. County Council elections were held in May 2021 and as advised in January a reminder to all Councillors was issued by the Monitoring Officer about the pre-election period which lasts from the date the notice of election is published until election day. During that time no publicity should be issued which could be perceived as supporting any candidate/political party using the resources of the County Council.

9. Two referrals were made to the Monitoring Officer during the pre-election period, both involving use of social media to publicise specific initiatives. One involved County Council resources, the other the resources of another public sector body. Both were removed – the Monitoring Officer contacted the other public sector body about the overall publicity requirement, and they dealt with the matter. Similarly, the post referring to the County Council initiative was removed as soon as the Monitoring Officer contacted the Councillor concerned.

Induction of new Councillors

10. 31 out of 57 Councillors were new to the County Council following the May elections. Preparation for the elections, the elections themselves and the immediate post-election induction were run in accordance with strict Covid security arrangements.

11. A candidates' event was run prior to the elections to run through the functions and role of the County Council, as well as an outline of the Code of Conduct. This event was held on-line and was recorded so that those unable to attend could view it at their convenience. A Candidates' pack placed on the website also included a copy of the Councillor Code of Conduct.

12. Following the elections all Councillors new to the County Council were invited to County Hall for a specially arranged socially distanced welcome event. Here they made their declaration of acceptance of office, met the Monitoring Officer, and were provided with a welcome pack and Council IT equipment. Returning Councillors made their declarations of acceptance of office in the following week, so that all were entitled to act as Councillors by the time of the Annual meeting of the Council.

13. The induction programme had been publicised on the website prior to the elections so that those standing for election could note important dates in advance. Training on

the Code of Conduct and Equalities was provided on-line and attended by 14 new Councillors, 6 re-elected Councillors. Two sessions on GDPR were attended by a total of 17 new members and 10 re-elected Councillors.

14. Training has also been provided on specific meetings such as Planning and Audit and Governance, and a series on the roles and skills for Overview and Scrutiny. The majority of events have been recorded for Members to return to as necessary.

15. As well as seminars and training held on-line via Zoom or Teams, training on cyber-security has been made available as an on-line package for Councillors to access at their convenience.

16. We are currently reviewing the induction process so far and seeking feedback from Councillors about any repeat or new sessions that they would find helpful.

Contact Points

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.