



## **REPORT of DIRECTOR OF STRATEGY PERFORMANCE AND GOVERNANCE**

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**to  
OVERVIEW AND SCRUTINY COMMITTEE  
2 OCTOBER 2019**

### **CONDUCT COMPLAINTS**

#### **1. PURPOSE OF THE REPORT**

- 1.1 To set out the procedures within the Council for dealing with conduct issues of Councillors within the Council.

#### **2. RECOMMENDATIONS**

- (i) For the information contained within the report to be noted.

#### **3. SUMMARY OF KEY ISSUES**

- 3.1 The Council has a written process for dealing with complaints (attached at **APPENDIX 1**) received by the Monitoring Officer which is available on the Council's website.
- 3.2 This process is attached for your information.
- 3.3 At the initial stages of a complaint the Monitoring Officer must decide if the complaint potentially relates to one of the areas of the code of conduct.
- 3.4 The focus of the Code of Conduct relates to allegations of:
- bullying;
  - failing to respect others;
  - misuse of the Council's resources;
  - failure to disclose pecuniary and non-pecuniary interests;
  - unlawfully disclosing confidential information; and
  - misuse of the office of Councillor to improperly benefit somebody.

The Full Code of Conduct is attached at **APPENDIX 2** for full details of all obligations.

- 3.5 Should a breach be found the following options are available to the Monitoring Officer:

Agenda Item no.

- No Further Action;
  - Refer to political group leader for action (MOI / IP to reconsider if no action taken);
  - Informal resolution;
  - Refer to police (if potential criminal issues involved);
  - MO / IP decide to put straight to investigation (internal) and then Stage II hearing at Overview and Scrutiny Committee; or
  - Move to Stage II (with or without further discussion with parties to complaint).
- 3.6 If the complaint relates to behaviour between an officer and a member then a separate process is followed which initially involves a more informal process in an attempt to resolve the issue. Should no resolution be found then a complaint would proceed under the Council's complaints procedure or a Code of Conduct complaint depending on the nature of the complaint.
- 3.7 The code of conduct and complaint procedures are available on the Council's website.
- 3.8 In relation to non-disclosure of interests the localism Act 2011 makes it a criminal offence not to register or declare a pecuniary interest either in the register of interests or at any meeting. The Court has the power on conviction to fine or disqualify the Councillor for up to 5 years.
- 3.9 On finding a matter proved at committee in relation to any breach of the code of conduct the Committee has the following options open to it:
- A formal letter to the member found to have breached the code;
  - Formal censure by motion;
  - Removal of the member from a committee or committees;
  - Adverse publicity that may (or may not) reduce the electorate's confidence in the member so that they are not re-elected; or
  - Training.

#### **4. CONCLUSION**

- 4.1 The process set out is followed in all cases of receiving a written complaint relating to a Councillors breach of the code of conduct.
- 4.2 Any other complaints would be dealt with through the Council's complaints procedure.

#### **5. IMPACT ON STRATEGIC THEMES**

- 5.1 These policies impact on the theme of performance. By adhering to the process, the Council can be seen to be addressing issues of performance of its Councillors in a

clear and consistent manner.

## 6. IMPLICATIONS

- (i) **Impact on Customers** – Customers can see a clear process for how any complaints will be dealt with.
- (ii) **Impact on Equalities** – Having a clear code of conduct and process for complaints will ensure all complaints are dealt with consistently.
- (iii) **Impact on Risk** – None from this report.
- (iv) **Impact on Resources (financial)** – None from this report.
- (v) **Impact on Resources (human)** – None from this report.
- (vi) **Impact on the Environment** – None from this report.
- (vii) **Impact on Strengthening Communities** – Communities can see how the process works and make any relevant complaint in the correct format with clear expectations as to the time frame and options open to them.

Background Papers: Procedure Notes and Code of Conduct

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