

5. PROCESS FOR DEALING WITH CODE OF CONDUCT COMPLAINTS

REPORT OF: Tom Clark
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Wards Affected: All
Key Decision N/A

Purpose of the Report

1. To consider any changes to the process for dealing with Code of Conduct complaints.

Summary

2. The present procedure is based on the procedure set out in the advice from Standards for England. That body was abolished in the Localism Act 2011 but the Council has retained full involvement by its Standards Committee in dealing with possible Code of Conduct complaints.

Recommendations

3. **Members are asked to review the present procedure and advice on any changes that are thought necessary.**
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Background

4. The present procedure adapted to meet current legal requirements has been in place since 2007. At that time the Council was faced with a serious Code of Conduct matter involving councillors and the Chief Executive which was the subject of an improvement order from the Standards Board. The work required by that improvement order was completed to the satisfaction of Standards for England and the Council has not faced any matter of that seriousness either at District or Parish level since.
5. There have been very few District Code of Conduct complaints and none since May 2015.
6. At Parish level there have been a few Parish Councils where there have been a number of complaints, sometimes between councillors but more often from disaffected residents. Some of these complaints have been around the formulation and agreement of Neighbourhood Plans. Planning is always a controversial area of work and likely to generate complaints from those dissatisfied with the direction suggested by the Parish Council.
7. Some complaints have been directed at individual members but frequently these have had nothing to do with the current business of the Parish Council but have been “technical” complaints about the quality of the way a Member has filled in and updated the Declaration of Interest form. Failure to properly

complete a Declaration of Interest form is a potential criminal offence but only when this results in a serious financial issue.

8. Along with most other Councils for matters referred to a Standards Sub-Committee we ask whether the member in receipt of the complaint wishes to comment on the complaint. This is done on the understanding that any comments made will be for the Standards Sub-Committee only and not for wider publication. This stance has been upheld by the Information Commissioner on the basis is not in the public interest for these matters to be conducted in public save where there has been a full investigation and an adjudication hearing.

However, in a recent matter the complainant made a data information request which uncovered a disputed comment by an elected member about the behaviour of the complainant. He took exception to this and requested the matter to be looked at by the Standards Committee. It was not the wisest comment but once again did not in any way involve the workings of the Parish Council. Therefore it was not a complaint where it would be in the public interest to spend public money carrying out an investigation.

9. Members are asked to consider whether in the interest of transparency and on clear notification the comments of the member in receipt of the complaint should be made available to the complainant and any relevant parish council. Your Monitoring Officer is cautious about this development given that in the past complaints have been made in order to place in the public domain something that is developing as a policy issue which would normally not be publicised before the matter has been finalised and is ready for publication.

Financial Implications

10. The District Council is responsible for the costs of operating the Standards Committee and any independent investigations that take place.

Risk Management Implications

11. A series of Code of Conduct complaints are very unsettling for a Parish Council and make it difficult for the Parish to continue with its business.

Equality and customer service implications

12. Complaints have to be made in writing but assistance can be given in putting complaints into a written form if necessary.

Other Material Implications

13. The website was updated following the deliberations of this Committee at its July 2016 meeting. Any further changes to the process would be updated in the same way.