

8 March 2024

Meetings of Council Committees are broadcast live through the [Mid Sussex District Council's YouTube channel](#). Limited space is available to observe proceedings in-person. Those wishing to do so must reserve a seat by completing a [Registration Form](#) by 4pm on the working day prior to the meeting.

PLEASE NOTE START TIME OF MEETING

Dear Councillor,

A meeting of **STANDARDS COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **MONDAY, 18TH MARCH, 2024 at 7.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

	Pages
1. To receive apologies for absence.	
2. To consider any items that the Chairman agrees to take as urgent business.	
3. To receive Declaration of Interests from Members in respect of any matter on the Agenda.	
4. To be agreed by general affirmation the Minutes of the previous meeting held on 11 September 2023.	3 - 6
5. Parish Nomination.	
<i>A verbal update will be provided for this item.</i>	
6. Member Code of Conduct - Complaints Procedure.	7 - 16

7. Standards Committee - Annual Report Update. 17 - 18
8. Questions pursuant to Council Procedure Rule 10.2 due notice of which has been given.

To: **Members of Standards Committee:** Councillors M Cornish (Chairman), C Wood (Vice-Chair), A Beecroft, M Belsey, D Denham St Pinnock, M Kennedy, C Phillips, J Russell and C Salimbeni

Independent Persons: Paul Cummins, Dr David Horne and Wendy Swinton-Eagle

**Minutes of a meeting of Standards Committee
held on Monday, 11th September, 2023
at 7.00 pm**

Present: M Cornish (Chairman)
C Wood (Vice-Chair)

M Kennedy

C Phillips

A Beecroft

D Denham St
Pinnock

Absent: Councillors M Belsey and J Russell

Also Present: Paul Cummins, Independent Person on Standards Matters.

Dr David Horne, Independent Person on Standards Matters.

Ms Wendy Swinton-Eagle, Independent Person on Standards Matters.

1. RATIFICATION OF CHAIRMAN AND VICE-CHAIRMAN.

The ratification of the Chairman and Vice Chairman was agreed by general affirmation by the Committee.

2. TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors M Belsey, Russell and Salembeni.

3. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.

None.

4. TO RECEIVE DECLARATION OF INTERESTS FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.

Councillor Denham St Pinnock declared a registerable interest, as he is Chairman of West Sussex Association of Local Councillors and Chairman of Mid Sussex Association of Local Councillors.

5. TO BE AGREED BY GENERAL AFFIRMATION THE MINUTES OF THE PREVIOUS MEETINGS HELD ON 06 JUNE 2022 AND 24 MAY 2023.

Kevin Toogood, Assistant Director Legal & Democratic Services (Monitoring Officer) confirmed the minutes of the meetings held on 06 June 2022 and 24 May 2023 were a correct record. The Committee agreed the minutes and they were signed by the Chairman.

6. PARISH NOMINATIONS.

Kevin Toogood, Assistant Director Legal & Democratic Services (Monitoring Officer) introduced the report. He advised the District Council is responsible for the standards regime for both the District Council and the Town and Parish Councils within the District. It is important to have Town and Parish Council input, when considering Member conduct, to act as a peer in the process.

The Assistant Director Legal & Democratic Services (Monitoring Officer) reminded the nominated Town & Parish Committee Members to refrain from voting on their nomination as Councillors Beecroft and Denham St. Pinnock would not formally be Members of the Committee until after the vote had concluded.

There were no questions from Committee Members.

The Chairman took Members to a vote on the recommendation in the report, proposed by the Chairman and seconded by the Vice Chairman. The recommendation was agreed unanimously with 4 in favour.

RESOLVED

The Standards Committee ratified the appointment of the representatives proposed by the Parish Councils to the Standards Committee.

7. ANNUAL REPORT.

Kevin Toogood, Assistant Director Legal & Democratic Services (Monitoring Officer) introduced the report. He reiterated the importance of the Standards Committee upholding the highest standard to Member conduct in the District. This includes assisting Members in observing the Code of Conduct and investigating Member conduct when a complaint has sufficient substance to justify consideration by the Standards Committee.

The Assistant Director Legal & Democratic Services (Monitoring Officer) advised the Committee the report had been brought forward in the Councils Committee Schedule 2023/24, to enable the newly formed Standards Committee to convene and engage in significant discussions.

The Chairman asked Members if there were any questions.

Dr Horne, Independent Person on Standards Matters asked for clarity on the provision of training specifically for Members of the Standards Committee who would have investigate particular complaints and for all Councillors in general. Noting the low level of complaints could be due to a lack of awareness of the process.

The Assistant Director Legal and Democratic Services (Monitoring Officer) confirmed that general Standards training for District Councillors had been provided at the start of this electoral cycle, which included Code of Conduct and Declarations of Interest. He advised it would be worthwhile Members of the Standards Committee having specific training and welcomed a debate on this from Members. Mid Sussex District Council do not offer specific training to Town & Parish Councillors, however, if there was a requirement this would be considered.

A Member advised that West Sussex Association of Local Councillors offer training and encourage Members to participate. He noted if there was a need for Standards training this could be arranged on request.

A Member reminded Members, that it was important for Town and Parish Councils to keep escalating complaints up to Mid Sussex District Council so that issues get dealt with effectively.

The Chairman thanked Members for their comment and welcomed the opportunity for further training.

The Chairman took Members to a vote on the recommendation in the report, proposed by the Chairman and seconded by the Vice Chairman. The recommendation was agreed unanimously, with 6 in favour.

RESOLVED

The Standards Committee agreed to note the contents of the report.

8. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.

No questions were received.

The meeting finished at 7.13 pm

Chairman

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MEMBER CODE OF CONDUCT – COMPLAINTS PROCEDURE

REPORT OF: DIRECTOR OF RESOURCES AND ORGANISATIONAL DEVELOPMENT
Contact Officer: Kevin Toogood, Assistant Director Governance and Monitoring Officer
Email: kevin.toogood@midsussex.gov.uk
Wards Affected: All
Key Decision No
Report To: Standards Committee
18 March 2024

Purpose of Report

To provide the committee with an opportunity to discuss current arrangements under the code of conduct and make recommendations to the Monitoring Officer concerning the operation of the procedure.

Summary

1. The complaints procedure supports the Members Code of Conduct, ensuring that elected members can be held to account if they fail to demonstrate high standards of conduct in public life in a fair and transparent manner. This report seeks to advise members of the current arrangements and how they operate and seeks views from the committee on those arrangements.

Recommendations

2. **The Standards Committed are asked to discuss the Council’s current procedure for addressing Code of Conduct complaints and make recommendations to the Monitoring Officer if the Committee considers that improvements could be made.**
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Background

3. All Councils are required to adopt a Code of Conduct for Members, which (when read as a whole) reflects the Nolan Principles for Standards in Public Life. This Council last adopted a Code of Conduct in 2020 and operates under the most up-to-date version of the Local Government Association’s Model Code.
4. Allegations of a breach of the Code by a District, Town or Parish Councillor are addressed to the Monitoring Officer, who deals with the complaints under an adopted procedure.
5. The Council’s current process for dealing with complaints is set out in the Council’s [Constitution](#) at Part 5(xiii) on page 204. For ease of reference, this is set out at Appendix 1. In addition, the Council publishes a note on the “Process for Dealing with Member Code of Conduct Complaints” which aims to set out the broad process for the benefit of residents who may wish to use the process. This is set out at Appendix 2.

The Process

6. When a complaint is referred to the Council, there is an initial “sifting” process carried out by the Monitoring Officer- if a complaint is not about an elected member or does not

engage the code of conduct (for example if it is about the behaviour of an elected member acting in a capacity other than as a member of the relevant Council), then it will not pass the initial assessment because by law the Council is not able to consider the matter under the Code.

7. The Monitoring Officer also has a broad discretion to reject complaints if they do not merit further consideration. For example, if the complaint appears to be politically motivated or “tit-for-tat”, or if there is no realistic prospect upon investigation, that a breach of the Code will be found. This seeks to ensure that only matters which are reasonably well founded and are not spurious or vexatious, progress to further consideration.
8. The Monitoring Officer is a senior officer who has statutory responsibility for ensuring the Council’s decisions are lawful. By convention (and as a matter of best practice) the Monitoring Officer is corporately responsible for promoting the highest standards of conduct, alongside the Standards Committee. Commonly (as is the case at Mid Sussex) the Monitoring Officer will also be an experienced lawyer. As such, the Monitoring Officer can be expected to apply the process robustly and with a critical eye, but fairly: ensuring that complaints which genuinely have merit are looked into, whilst unmeritorious claims or those claims for which further action would be disproportionate are dismissed.
9. The initial view of the Monitoring Officer is subject to referral to one of the Council’s Independent Persons. This helps to ensure the robustness of this process.
10. If the Monitoring Officer concludes that the complaint merits further consideration, it passes to the Standards Assessment Sub-Committee (consisting of 3 members), who apply the assessment criteria set out in the constitution. The Sub-Committee will decide whether it is in the public interest to investigate the matter.
11. If the sub-committee determines that an investigation is appropriate, the Monitoring Officer will normally appoint an independent investigator who will submit a report after interviewing the parties. The Monitoring Officer will convene a hearing panel where evidence can be heard from all parties before it reaches a view on whether there has been a breach of the code and, if so, what sanctions should be imposed. The process is subject to a timetable for response at each stage, as set out in the constitution. Complainants therefore have certainty that their complaint will be addressed in a timely fashion.
12. At each stage of the process, the complainant is able to provide evidence and make submissions and is informed at each stage of the reasons why a decision has been made about their complaint in a particular way. Where matters proceed to a formal assessment panel, the subject member also has an opportunity to put their case.
13. In the view of the Monitoring Officer, the process operates successfully and contains within it appropriate checks and balances such that matters which should come to members for a decision are indeed reported, whilst ensuring that the Council’s resources are not disproportionately directed towards dealing with matters which can properly be addressed without the need for an assessment panel to be convened.
14. It is, however, only right that the Standards Committee should have opportunities to consider shaping how the process is administered and operates in practice, given the Committee’s constitutional role in ensuring the Council upholds the highest standards of member conduct.

15. The Monitoring Officer would therefore welcome any recommendations the Committee may have with regard to the adopted procedures.

Policy Context

16. The Council's Code of Conduct for Members is the guiding document for members ensure they can demonstrate and uphold the highest standards of conduct in public life. The process for dealing with complaints supports that policy by ensuring complaints are addressed in a fair, robust and transparent manner.

Other Options Considered

17. Not applicable, as this is a discussion paper.

Financial Implications

18. Significant changes to the process, particularly changes which could result in an increase in the frequency of sub-committees being called, could have some minor financial implications. Whilst these have not been costed they would include the costs of calling and running a committee meeting, the opportunity costs involved (because officers required to facilitate the meeting would be called away from other duties), plus any relevant expenses.

Risk Management Implications

19. none

Equality and Customer Service Implications

20. There are no direct implications, however, it is important that the Council has a robust and transparent process for addressing Code of Conduct complaints as this forms part of the overall accountability of the Council to its residents.

Sustainability Implications

21. None

Appendices

- Appendix 1 – Extract: Constitution Part 5(xiii) Member Code of Conduct Complaints Procedure
- Appendix 2 – [Note on Process for Dealing with Member Code of Conduct Complaints](#)

Background Papers

None.

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Part 5(xiii) Member Code of Conduct Complaints Procedure

Making a Complaint

Complaints alleging that Members of the District Council, or the Town/Parish Councils in Mid Sussex have breached the Members Code of Conduct should be made to the Monitoring Officer using the complaint form on the website, which guides a Complainant to provide the information required.

Withdrawal of a Complaint

In the event that a Complainant withdraws a complaint at any time prior to a decision having been made under this procedure, the Monitoring Officer may, following consultation with the Independent Person, decide that no further steps be taken in respect of that complaint but shall, in taking such decision, take into account any issues that may arise under the Code of Conduct, particularly any intimidation.

Initial Assessment

On receipt of a written complaint the Monitoring Officer will send a copy to one of the Independent Persons:

- Wendy Swinton-Eagle for District Councillors and Town and Parish Councils beginning with the letter A to D.
- Paul Cummins as above for the letters E to G.
- Dr David Horne as above for the letters H to Z.

and will consult them as to whether the complaint:

- appears to relate to the Code of Conduct.
- has sufficient substance to justify consideration by the Audit & Governance Committee

If, following this consultation, the Monitoring Officer concludes that the complaint is not appropriate for consideration by the Audit & Governance Committee, they will write to the Complainant explaining this decision, and identifying any other course of action the Complainant may wish to take.

The Monitoring Officer may decide to take no action if, for example:

- (a) The Code of Conduct was not engaged (the Subject Member was not acting as a Councillor at the time of the alleged breach took place).
- (b) Where the matter took place more than six months ago (except in exceptional circumstances or in the public interest);
- (c) Where the allegations are anonymous.
- (d) The complaint appears to be malicious, vexatious, politically motivated, tit for tat, or is so minor that there is no overriding public benefit in carrying out an investigation.
- (e) Where a challenge made to an expression of fact or opinion made during a debate at a Council meeting is fundamentally a challenge to the underlying merits of a Council determination (e.g., a planning application).

These are just some examples, but the list is not exhaustive. The Monitoring Officer (in consultation with the Independent Person) may decide that a complaint does not merit further consideration for any Standards Committee at 18 March 2024 to be relevant.

If the Monitoring Officer concludes that the complaint does justify Committee consideration, they will write to the Complainant explaining that their complaint will be sent to the Subject Member named in the complaint for their comments (unless the Monitoring Officer considers that it would be contrary to the public interest or would prejudice the consideration of the complaint to do so). The Subject Member will be provided with the details of the Independent Person should they require guidance on the process for investigation of the complaint.

The Monitoring Officer will complete an initial assessment of the complaint within 20 working days of receipt of all relevant information.

Assessment Criteria

The following criteria shall be applied by the Standards Assessment Sub-Committee when considering allegations that a member has failed to comply with the Code of Conduct. The first 5 criteria are also used by the Monitoring Officer in consultation with the Independent Person to judge whether a complaint can be brought before the Sub-Committee as a possible breach of the Code of Conduct. The Sub-Committee, however, needs to make its own decision on these 5 criteria if a matter is brought before them.

- 1) Is the complaint within the jurisdiction of the Committee?
- 2) Is it a complaint against one or more named members or co-opted members of the Council covered by the Member Code of Conduct?
- 3) Was the Subject Member in office at the time of the alleged conduct and the Code of Conduct was in force at the time?
- 4) Would the complaint, if proven, be a breach of the Code under which the member was operating at the time of the alleged misconduct?
- 5) Is the complaint really about dissatisfaction with a Council decision?

Note – If the complaint fails one or more of the above tests it cannot be investigated as the breach of the Code.

- 6) Is there a prima facie evidence of a breach of the Code?
- 7) Is it serious enough to require investigation?
- 8) Is this part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the authority and there is no other avenue left to deal with it except investigation?

Note - In considering the case the Sub-Committee will take into account the time that has passed since the alleged conduct occurred.

- 9) Is the case suitable for local investigation?
- 10) Is there enough information currently available to justify a decision to take the matter further for investigation?

Note - While anonymous complaints will not be accepted, in exceptional circumstances the Complainant's name will not be disclosed to the Subject Member, applying the following factors:

- 1) There are reasonable grounds for believing the Complainant will be at risk of physical harm if their identity is disclosed.
- 2) The Complainant is an Officer who works closely with the Subject Member and is afraid of the consequences to their employment if their identity is disclosed.
- 3) There is evidence of medical risks associated with the Complainant's identity being disclosed.
- 4) It is feasible for the complaint to be investigated without the Complainant's identity being disclosed.
- 5) There are grounds to believe that disclosure of the Complainant's identity and/or

the provision of the written summary of the allegation may lead to intimidation of a witness or the destruction of evidence.

The Subject Member has 14 days in which to respond in writing with their version of events, if they wish. They are advised they may wish to take professional advice. They can also speak to the Independent Person.

Assessment Sub-Committee

The papers (including the Monitoring Officer's written advice) are sent to the Assessment Sub-Committee, consisting of three members of the Audit & Governance Committee (including at least one co-opted Town/Parish Member where the Subject Member is a Town/Parish Councillor).

The Assessment Sub-Committee meets privately with the Monitoring Officer and the first question asked is whether the Code of Conduct applies to the events described. If the answer to that question is "no" that is the end of the matter. Assuming the answer to that question is "yes", the Sub-Committee has to decide whether there is a potential breach of the Code of Conduct. If they decide there is no potential breach of the Code of Conduct that is the end of the matter. If they believe there is a potential breach of the Code of Conduct, they need to decide whether it is in the public interest for that to be further investigated at public expense, or whether informal guidance should be given to the Subject Member.

The results of their deliberations are sent in writing to the Complainant, to the Subject Member, to their Group Leader (if any), and to any relevant Town or Parish Council.

Review Sub-Committee

If the Assessment Sub-Committee decides against the matter being investigated, the Complainant may ask for this decision to be reviewed. The Subject Member has no right to request a review. If the Complainant does request a review, a Review Sub-Committee is appointed consisting of three different members of the Audit & Governance Committee (including at least one co-opted Town/Parish Member where the Subject Member is a Town/Parish Councillor) to consider all the previous papers, any additional submissions that may be made by the Complainant, and the comments of the Subject Member.

The Review Sub-Committee goes through the same exercise in private and their deliberations are reported in the same way.

Investigation

If the Assessment Sub-Committee and/or the Review Sub-Committee decides that the matter should be investigated, then an Independent Investigator is appointed by the Monitoring Officer within 10 working days of the decision to carry out that task.

The Independent Investigator will have no previous involvement or knowledge of the matter. The investigator will normally interview relevant persons and prepare a report and recommendations within two months of appointment. The Subject Member may be accompanied by a friend or an adviser when attending any meeting or interview as part of the investigation of the complaint.

The draft report will be shared with the Independent Person for their comments. It will then be shared with the Complainant and the Subject Member for their comments before the report is finalised.

Hearing Sub-Committee

The finalised report is sent to the Hearing Sub-Committee, consisting of three different members of

the Audit & Governance Committee (including at least one co-opted Town/Parish Member where the Subject Member is a Town/Parish Councillor). If the report concludes there is no breach of the Code of Conduct and the Hearing Sub-Committee agrees, then that will be the end of the matter and it will be reported accordingly.

If, however, the Hearing Sub-Committee decides that there needs to be a hearing or the report suggests a breach of the Code of Conduct, then that will be set up and the report will be presented by the Investigating Officer.

The Subject Member will then be able to respond and be legally represented if they wish and call a limited number of witnesses. Witnesses may be questioned by the Hearing Sub-Committee members, the Independent Person, the Investigating Officer and the Subject Member.

This is a public meeting, and the Complainant may wish to be present. The Subject Member may choose to be represented, at their own cost. The Hearing Sub-Committee may refuse to allow any person to remain at the hearing if they are disruptive.

If the Subject Member does not attend the hearing, the Sub-Committee may adjourn the hearing or may continue to reach a decision on the basis of the Investigating Officer's report, and if it decides to do so, any evidence that it hears.

The Sub-Committee will decide disputed issues and whether the Subject Member has breached the Code of Conduct on the 'balance of probabilities'.

PROCEDURE

Findings of Fact

- (a) The Chairman introduces the Sub-Committee, and any other persons present, including the Monitoring Officer, the Independent Person, and the Investigating Officer.
- (b) The Subject Member introduces any person who is acting as their representative and any witnesses to be called on their behalf.
- (c) The Chairman shall explain the procedure that shall be followed.
- (d) The Investigating Officer is invited to present their report and to call any witnesses.
- (e) The Subject Member may ask questions of the Investigating Officer and/or any witnesses which are to be put through the Chairman.
- (f) The Members of the Sub-Committee may ask questions of the Investigating Officer.
- (g) The Subject Member is invited to respond to the Investigating Officer's report and to call any witnesses.
- (h) The Investigating Officer may ask questions of the Subject Member or any witnesses which are to be put through the Chairman.
- (i) The Members of the Sub-Committee may ask questions of the Subject Member.
- (j) The Chairman may request advice from the Monitoring Officer, and/or the Independent Person.

Decision

- (a) The Sub-Committee shall adjourn to consider whether there has been a breach of the Code of Conduct. The Sub-Committee may request the presence of the Monitoring Officer to assist in setting out the reasons for their decisions.
- (b) The Sub-Committee shall reconvene to orally deliver its decision.
- (c) If the Sub-Committee decides that there has been a breach of the Code of Conduct, then it shall consider whether a sanction should be imposed.

Sanctions

- (a) The Chairman shall invite representations from the Investigating Officer as to whether a sanction should be imposed.
- (b) The Chairman shall invite representations from the Subject Member as to whether a sanction should be imposed.
- (c) The Chairman shall ask the Monitoring Officer if they wish to express an opinion as to whether a sanction should be imposed, and whether to comment on the appropriate sanctions.
- (d) The Chairman shall ask the Independent Person if they wish to express an opinion as to whether a sanction should be imposed, and whether to comment on the appropriate sanctions.
- (e) The Sub-Committee shall adjourn to consider whether to impose a sanction.
- (f) The Sub-Committee may request the presence of the Monitoring Officer during their deliberations. In so doing, the Sub-Committee should consider all the mitigating and aggravating circumstances that appear to be relevant, e.g.:
 - (i) What were the actual and potential consequences of the breach?
 - (ii) How serious was the breach?
 - (iii) What is the attitude of the Subject Member now? Have they apologised?
 - (iv) Has the Subject Member previously been dealt with for a breach of the Code of Conduct?
- (g) The following are examples of mitigating and aggravating factors, (but these are not exhaustive):

Mitigating Factors

- (a) An honest but mistaken belief that the action was not a breach of the Code of Conduct
- (b) A previous record of good service
- (c) Evidence that they were suffering from ill health at the time of the breach

Aggravating Factors

- (a) Dishonesty
- (b) Continuing to deny the factors or blaming other people
- (c) Evidence of a failure to follow advice or warnings.

The priority of the Sub-Committee should be to ensure there are no further breaches of the Code of Conduct and that public confidence is maintained.

The Decision

- (a) The Sub-Committee shall reconvene to orally deliver its decision in respect of a sanction.
- (b) The Chair will explain that written notice of the decision and the reasons for it shall be sent to all parties within 14 days of the date of the hearing, including the Town/Parish Council if the Subject Member is a Town Parish Councillor.
- (c) The Chairman will formally close the hearing.

The decision of the Hearing Sub-Committee is final and can only be challenged by way of judicial review.

Sanctions

The powers of the Hearing Sub-Committee are limited to the sanctions below. If, however, there has been uncovered something that could potentially be a criminal offence, then the Hearing Sub-Committee should report it to the police for further investigation. They have no power themselves to

suspend or disqualify an elected member.

If an investigation is carried out and the Hearing Sub-Committee finds there has been a breach of the Code of Conduct, it may decide not to impose a sanction or it may impose one or more of the following sanctions:

- (a) The Monitoring Officer to send a formal letter to the Subject Member.
- (b) The Subject Member to make a public apology at Full Council. In the event of an apology not being made, the Subject Member may be censured at a meeting of the Full Council.
- (c) The Monitoring Officer to provide further training and guidance to the Subject Member.
- (d) The Subject Member to write a personal apology to the Complainant.
- (e) The Subject Member be excluded from the Council offices (except for attending formal meetings), and/or providing them with a single point of contact.
- (f) A recommendation to the relevant Group Leader that the Subject Member be removed from the Cabinet or a Committee (or Sub-Committee, Working Group or External Body) for a specified period of time.

STANDARDS COMMITTEE - ANNUAL REPORT UPDATE

REPORT OF: DIRECTOR OF RESOURCES AND ORGANISATIONAL DEVELOPMENT
Contact Officer: Kevin Toogood, Assistant Director Governance & Monitoring Officer
Email: kevin.toogood@midsussex.gov.uk Tel: 01444 477050
Wards Affected: All
Key Decision No
Report To: Standards Committee
18 March 2024

Purpose of Report

The purpose of the report is to outline work carried out under the Members' Code of Conduct since September 2023 and to bring the annual report back into its usual cycle.

Recommendations

1. **The Standards Committee is recommended to note the contents of this report.**
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Background

2. The Standards Committee last met on 11 September 2023. As that was the first meeting of this municipal cycle, the Monitoring Officer brought a report on work carried out under the Code of Conduct since the May election. Ordinarily, the annual report comes to Committee early in the calendar year to enable it to be reported on to Full Council in March. This report is therefore being brought now, to bring the annual report back into the normal reporting cycle.
3. As reported in September 2023, there continues to be a low level of complaints regarding Member conduct. There have been no complaints since that report which have required formal investigation.
4. Since September 2023 there have been 8 complaints, however in two instances, a number of the complaints related to the same matter and were addressed together. In total there were complaints made regarding 3 elected members, these complaints are summarised below.

Summary of Complaints

5. A complaint was made regarding a District Councillor, however the matter related to their actions in a personal capacity and therefore did not engage the Code.
6. Five simultaneous complaints were made regarding a Town Councillor. These related to activities they had undertaken when acting in an official capacity. The allegations related to purported breaches of the member obligations relating to disrepute and gifts. On a consideration of the evidence and in consultation with the Independent Person, it was concluded that the conduct complained of could not be considered a breach of those obligations and the complaint therefore did not justify being referred to the Assessment Panel.

7. Two complaints were made against a District and Town Councillor regarding exchanges on social media and a purported breach of the member obligations relating to respect and bullying. The exchanges demonstrated that the Councillor was not acting in an official capacity as a District Councillor but was acting in an official capacity as a Town Councillor. However, the behaviour complained of could not be considered a breach of the code.

Financial Implications

8. There continue to be few complaints. None of the complaints received since September 2023 required further investigation. Consequently, there have been no unanticipated costs incurred as a result of code of conduct complaints.

Risk Management Implications

9. None.

Equality and Customer Service Implications

10. None.

Other Material Implications

11. None.

Sustainability Implications

12. None.

Background Papers

- Adopted Model Code of Conduct
- Process for Dealing with Member Code of Conduct Complaints