

CRITERIA FOR ASSESSING CODE OF CONDUCT COMPLAINTS

REPORT OF: Solicitor & Head of Regulatory Services
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Wards Affected: All
Key Decision No
Report to: Standards Committee
Monday 7th June 2021

Purpose of Report

1. To consider Criteria for consideration of Code of Conduct Complaints.

Summary

2. The Standards Committee last looked at these Criteria in July 2016. It is time that these were reviewed. At the present time, the complaints are more wide and varied than they were in 2016 when most complaints related to Neighbourhood Plans and disputes about whether the register of interest has been properly completed. Members are asked to consider whether any additions or changes should be made so that resources are spent on matters of public concern.
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Recommendations

3. **The Standards Committee is asked to consider the present criteria used to assess complaints and to delegate the update of the criteria to the Monitoring Officer in the light of that debate.**

Background

4. There is a cost to the public purse in dealing with Code of Conduct complaints. However it is important that the public have confidence in the way Council matters are dealt with and therefore investigating the reasonable concerns of the public is important.
5. It is also important that there are sufficient resources to investigate potential misuse of Council resources or actions of Councillors in the course of Council business likely to result in personal gain.
6. There is a danger that the Council could receive a lot of complaints between members of a personal nature. It is important members stick to factual statements rather than statements of a personal nature about each other particularly when using social media.
7. The assessment criteria should direct the work to matters of public concern and away from matters of personal insult which all Members should avoid.
8. As the law currently stands the Code of Conduct only applies to the activities of elected members when they relate to the business of the relevant Council or the work of an elected member as a Councillor the reference by the elected member to them being a councillor being a material consideration.

Financial Implications

9. The cost of running the Standards Committee and investigating complaints falls on the District Council. Problems at Parish Councils resulting in a lot of Code of Conduct complaints can cause financial pressures and have done for some local District and Borough Councils.

Risk Management Implications

10. A series of Code of Conduct Complaints against the Parish Council or between Parish Councillors is very unsettling for the work of that Parish Council and is to be avoided if possible.

Equality and Customer Service Implications

11. Complaints need to be made in writing, but assistance can be given where necessary.

Other Material Implications

12. The sanctions available under the Localism Act 2011 are very limited, but are subject to review and may be the subject matter of future legislation so that where breaches of the Code of Conduct are found, the public can see sanctions being taken.