



Democracy and Standards Committee Monday 9 January 2023

Report Title	Councillors' Code of Conduct Statistics
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Are there public sector equality duty implications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972	

List of Appendices

None

1. Purpose of Report

- 1.1. To provide an update to members in respect of the Democracy and Standards Committee's duty to promote and maintain standards of conduct by Members and Co-opted Members of the Council, Parish and Town Councils within North Northamptonshire.

2. Executive Summary

- 2.1. Under Part 4.4 of the North Northamptonshire Council Constitution, the Democracy and Standards Committee has a number of Standards functions within its remit. This report specifically sets out the current position on the number of Councillor Code of Conduct complaints received, complaints dealt with, those outstanding, and resolutions achieved.

3. Recommendations

- 3.1. It is recommended that the Democracy and Standards Committee:-
- (a) Notes the number of complaints received and dealt with, in respect of the Councillors' Code of Conduct;
 - (b) Receives further data in relation to the number of complaints received and dealt with in respect of the Code of Conduct on a six-monthly basis;

- (c) Formally invites the Council's Independent Persons for Standards and Town and Parish Representatives (following appointment) to attend future Committee meetings, as necessary to discuss those items of business relating to the Councillors' Code of Conduct (including b) above).

- 3.2. *(Reason for Recommendations – To enable the Committee to carry out effectively its duty to promote and maintain high standards of conduct by Members and co-opted Members of the Council, Parish and Town Councils in North Northamptonshire.)*

- 3.3. *(Alternative Options Considered – None, as it is in the interests of the Council and members of the public that standards of conduct are maintained and regularly reviewed.)*

4. Report Background

- 4.1. As set out in paragraph 2.1 above, the Standards responsibilities of the Committee are to oversee and develop the Council's Code of Conduct and the overall standards of conduct for Council Members, co-opted Members, and Parish and Town Councillors of North Northamptonshire.

- 4.2. Part 8.3 of the Constitution sets out arrangements for dealing with member complaints, which provides for an initial process conducted by the Monitoring Officer, in consultation with one of the Council's Independent Persons for Standards.

- 4.3. For every complaint received, the Monitoring Officer is required to conduct an initial assessment, firstly by applying a 'public interest' test of whether the complaint 'can' and 'should' be investigated, using the following criteria:-
 - (i) Is the person you are complaining about a Councillor?
 - (ii) Is the conduct complained about within the jurisdiction of the Code of Conduct?
 - (iii) Did the conduct occur within the last six months?
 - (iv) Is the conduct something that is covered by the Code?
 - (v) Is there evidence which supports the complaint?
 - (vi) Is the conduct something which it is possible to investigate?
 - (vii) Would an investigation be proportionate and in the public interest?

- 4.4. In conducting the initial assessment, and in consultation with one of the Independent Persons for Standards, the Monitoring Officer will then decide whether the complaint should be referred for investigation or to seek alternative resolution, having a regard to a range of factors:-
 - (i) Whether there is sufficient information upon which to base a decision;
 - (ii) How serious is the alleged complaint;
 - (iii) Is the complaint politically motivated, vexatious or tit for tat;

- (iv) Did the action complained about occur recently or not;
- (v) Do the allegations relate to actions occurring whilst the Member was acting in their official capacity or do they relate to their private life;
- (vi) Whether the matter is considered suitable for alternative resolution and whether either the Member concerned, or the complainant is not prepared to accept this as a solution.

- 4.5. Table 1 below provides details of the nature of each complaint received, the initial filtering decision of the Monitoring Officer, any informal resolutions agreed (where applicable), and the status of the complaint at the time of writing this report.
- 4.6. It should be noted that the monitoring officer deals with a number of enquiries throughout the year from councillors, clerks and members of the public which are dealt with informally, but that do not lead to formal complaints. Such enquiries, by their nature, are not included in the list at table 1 below.
- 4.7. Specific detailed information regarding complaints has not been provided as this may be prejudicial to the conduct of the ongoing complaints process. Personal details have also not been included to protect both the identity of councillors and the complainant.

Table 1

	Date received	Relevant Council	Monitoring Officer Assessment	Status
1.	07/21	Parish Council	No further action	Closed
2.	07/21	Parish Council	No further action	Closed
3.	07/21	Parish Council	No further action	Closed
4.	07/21	Parish Council	No further action	Closed
5.	07/21	Parish Council	No further action	Closed
6.	08/21	Parish Council	No further action	Closed
7.	12/21	Town Council	No further action	Closed
8.	01/22	North Northamptonshire Council	No further action	Closed
9.	01/22	North Northamptonshire Council -	Other action - apology	Closed
10.	02/22	Parish Council	Investigation	Open
11.	03/22	Town Council	No further action	Closed
12.	03/22	Parish Council	No further action	Closed
13.	03/22	Town Council	No further action	Closed
14.	03/22	Parish Council	No further action	Closed
15.	04/22	North Northamptonshire Council	No further action	Closed
16.	04/22	North Northamptonshire Council	No further action	Closed
17.	05/22	Town Council	No further action	Closed
18.	05/22	Town Council	No further action	Closed
19.	07/22	North Northamptonshire Council	No further action	Closed
20.	07/22	North Northamptonshire Council	No further action	Closed
21.	07/22	Parish Council	No further action	Closed

	Date received	Relevant Council	Monitoring Officer Assessment	Status
22.	08/22	North Northamptonshire Council	No further action	Closed
23.	08/22	Town Council	Assessment Stage	Open
24.	08/22	Town Council	Other action – Apology	Closed
25.	12/22	Town Council	Assessment Stage	Open

4.8. The number of complaints received to date are further categorised by status, by type of Council, and municipal year, in summary form below:-

Table 2

Assessment Stage	No further action	Other Action	Investigation
1	21	2	1

Table 3

Parish Council	Town Council	North Northamptonshire Council
10	8	7

Table 4

2021/22 Complaints	2022/23 Complaints To Date (as of 21/12/22)
7	18

5. Issues and Choices

5.1. The Committee is asked to note the information provided and receive any feedback from the Independent Persons present at the meeting.

6. Next Steps

6.1. It is recommended that further reporting on the Code of Conduct be provided to the Committee on a six-monthly basis. It should also be noted that a recruitment process is underway to appoint new Independent Persons for Standards and representatives of Town and Parish Council.

6.2. It is anticipated those appointments will be in place to assist with consideration of the next six-monthly report.

7. Implications (including financial implications)

7.1. Resources and Financial

- 7.1.1. There are no direct financial implications arising from this report, however the handling and processing of complaints is resource intensive. A high number of complaints does have an impact upon resources and so it is important that the Committee and all Councillors promote and maintain high standards of conduct to help limit the number of complaints received.

7.2. Legal and Governance

- 7.2.1. Complaints are received in accordance with the arrangements for dealing with allegations of breaches of the North Northamptonshire Members' Code of Conduct and of codes adopted by Parish and Town Councils within North Northamptonshire. The Council has a legal duty to respond to complaints made against councillors of allegations of a breach of the Code of Conduct, in accordance with the Localism Act 2011.
- 7.2.2. Part 9.2 of the Constitution, the Officer Scheme of Delegation, gives the Director of Customer and Governance (as Monitoring Officer) the authority to assess Code of Conduct complaints received and to determine whether an investigation should be conducted, in accordance with the procedure set out in Part 8.3, Arrangements for Dealing with Member Complaints.

7.3. Relevant Policies and Plans

- 7.3.1. Promoting and maintaining high standards of conduct supports our Corporate Plan Priority of Modern public services, i.e. providing efficient, effective and affordable services that make a real difference to all our local communities.

7.4. Risk

- 7.4.1. Should a Code of Conduct complaint not be investigated properly and in a timely fashion, there is recourse for complainants to make a complaint against the Council to the Local Government and Social Care ombudsman.

7.5. Consultation

- 7.5.1. No consultation activity was required or undertaken in the production of this report.

7.6. Equality Implications

- 7.6.1. There have been no equality implications identified in producing this report.

7.7. Climate Impact

- 7.7.1. None.

7.8. Community Impact

7.8.1. None.

7.9. Crime and Disorder Impact

7.9.1. None.

8. Background Papers

8.1. Complaints received in respect of the arrangements for dealing with allegations of breaches of the West Northamptonshire Members' Code of Conduct and of Codes of Conduct adopted by Parish Councils within North Northamptonshire. These records contain exempt information (Category 1 (Information relating to any individual) and 2 (Information which is likely to reveal the identity of an individual)) under Section 100A of the Local Government Act 1972 (as amended).