



Democracy and Standards Committee Monday 8 January 2024

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	N/A

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 for the period of 2023/24.

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:
- 3.1.1 Notes the number of complaints received and dealt with, in respect of the Councillors' Code of Conduct; and
 - 3.1.2 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;

- 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 - Complaints formally received 12 December 2022 – 8 December 2023

	Date	Council	Status	Outcome
1	03/2023	NNC	Closed	No further action
2	03/2023	NNC	Closed	Not proceeded with.
3	04/2023	Parish	Closed	No further action
4	04/2023	NNC	Closed	No further action
5 - 18	06/2023 - 07/2023	NNC	Closed	Local Resolution
19	08/2023	NNC	Ongoing – pending assessment	
20	09/2023	Parish	Pending – Criminal investigation	
21	10/2023	NNC	Ongoing – pending assessment	
22	10/2023	Parish	Ongoing – pending assessment	
23	12/2023	NNC	Ongoing – Awaiting response from Councillor	

- 4.8 The Committee will note from the details recorded in Table 1 above that there was a high number of complaints received in June and July 2023 (entries 5-18) relating to a North Northamptonshire Councillor. The complaint details cannot be published in this report due to the confidential nature of the complaints.

4.9 In summary the complaints related to posts on a Councillor Twitter page relating to Pride, the posts were said to be discretionary and contrary to the Code. Following the assessment of the complaints, a recommendation of local resolution was made requiring the Councillor to:

- remove the social media tweets (the posts) from which the complaints originate;
- undergo training on Equality, Diversity and Inclusion to be delivered by external professionals and if required supported by NNC officers.
- undergo training on social media guidance to be delivered on behalf of the Monitoring Officer.
- offer a public apology through a medium of his choice (he may wish to consider the same social media medium he originally used to express his views) signifying that it was not at any time his intention to upset or offend anyone, and in response to complaints presented he now recognises that the posts made on his Councillor profile caused offence to others for which he apologises.

5. Improvements in future reporting

5.1 Following a change in the case management system for recording complaints, the details for themes and trends can now be captured in the complaints summary to provide greater detail to the Committee.

5.2 Future reports to the Democracy and Standards Committee will contain a separate appendix detailing the complaint type, brief summary, relevant paragraph of the Code of Conduct, the outcomes and outline of the reasons. The reports will also contain commentary on the statistics and a comparison table for the previous period and year by year.

5.3 There will also be a recording of the number of rejected or discontinued complaints to further inform the Committee of any emerging issues which require addressing whether through training and development either by the Monitoring Officer (and her team) and/or with the supporting agencies.

5.4 This information will assist the Committee in promoting high ethical standards through improved awareness and insight. The Committee are invited to feedback on any further improvements sought to be incorporated into future reports.

6. Training and Development

6.1 The Chief Lawyer, on behalf of the Monitoring Officer has attended two Strategic Town and Parish Council Forum meetings attended by Councillors and Clerks to provide an overview of the code of conduct complaints regime.

These sessions were well received and have resulted in a number of enquiries for training to be delivered to councils regarding the work of the Monitoring Officer, the remit relating to complaints and the regime as well as interests. This work is welcomed by the Monitoring Officer to improve awareness and promote high ethical standards.

- 6.2 Further work has been identified to be delivered in conjunction with Northampton County Association of Local Councils in 2024 to support Town and Parish Councils in improving ethical standards and avoid complaints by improved awareness.

7. Issues and Choices

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

8. Next Steps

- 8.1 It is recommended that further reporting on the Code of Conduct be provided to the Committee on a six-monthly basis.

9. Implications (including financial implications)

9.1 Resources and Financial

- 9.1.1 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.

9.2 Legal and Governance

- 9.2.1 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.

- 9.2.2 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.

9.3 Relevant Policies and Plans

- 9.3.1 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.

9.4 Risk

9.4.1 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.

9.5 Consultation

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

9.6 Equality Implications

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

9.7 Climate Impact

9.7.1 None.

9.8 Community Impact

9.8.1 None

9.9 Crime and Disorder Impact

9.9.1 None

10. Background Papers

None.