

## Democracy and Standards Committee

### Monday 3<sup>rd</sup> February 2025

<b>Report Title</b>	Code of Conduct updates
<b>Report Author</b>	Kamila Coulson-Patel, Assistant Director of Legal and Democratic Services (Interim) and Deputy Monitoring Officer

<b>Are there public sector equality duty implications?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Does the report contain confidential or exempt information (whether in appendices or not)?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972</b>	N/A
<b>Which Corporate Plan priority does the report most closely align with? <a href="#">Our priorities for the future   North Northamptonshire Council (northnorthants.gov.uk)</a></b>	Modern public services

#### List of Appendices

None.

#### **1. Purpose of Report**

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

#### **2. Executive Summary**

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- 2.1. Part 3.3 of the North Northamptonshire Council Constitution, the Democracy and Standards Committee has a number of Standards functions within its remit.
- 2.2. This report specifically sets out the current position on the code of conduct complaints, trends and further work to direct the Monitoring Officer and her team to support in the delivery of high ethical standards.

### **3. Recommendations**

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- 3.1. It is recommended that the Democracy and Standards Committee:
  - (a) Note the updates contained within the reports
  - (b) Provides any feedback to the Monitoring Officer on further work arising from the reports
- 3.2. Reason for Recommendations – To enable the Committee to effectively carry out its duty to promote and maintain high standards of conduct by Members and co-opted members of the Council, Parish and Town Council in North Northamptonshire.
- 3.3. Alternative Options Considered – There were no alternative options considered in relation to this report as it is in the interest of the Council and members of the public that standards of conduct are maintained and reviews with areas of further work identified.

### **4. Report Background**

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- 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 the Monitoring Officer will then 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. 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.
- 4.6. 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.
- 4.7. In the last reporting period, there has been a total of 15 complaints which fell within the scope of complaints which could be considered by the Monitoring Officer. Of those, six were recorded as no further action; one was local resolution to take the form of training, and no investigations were recommended. There are eight pending complaints and for context, four of these relate to the same issue, three relate to the same conduct and one standalone complaint which was received shortly before the production of this report is now in the assessment phase awaiting comment from the member. There are eight pending complaints and for context, four of these relate to the same issue, three relate to the same conduct and one standalone complaint which was received shortly before the production of this report.
- 4.8. The above data does not provide the complaint picture of complaints raised but rejected as out of scope on the current arrangements within the legislative framework. The above data does not provide the complete picture of complaints raised but rejected as out of scope on the current arrangements within the legislative framework. The approach to this and considerations for members is set out at 5.3.

## **5. Issues and Choices**

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- 5.1. 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.
- 5.2. 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.
- 5.3. Noting the number of complaints presented which do not fall with the current arrangements of the Councillor Code of Conduct based on the present legislative framework, the Monitoring Officer considers that further information can be provided on the website at the complaints page to highlight examples of what will be considered to fall within the Code. Regrettably complainants

incorrectly completing the form increases the administrative burden on the team, reduces capacity to handle complaints and creates frustration by complainants that their complaint was not within scope and rejected. It is suggested the Monitoring Officer explores with the customer experience team to will explore improvements to the online form to sign post the complaint as they work through the form and where appropriate highlighting that this may need to be redirected, i.e. complaints regarding the administration of the Town or Parish Council, a council officer, a councillor who was not acting in their official capacity.

- 5.4. In the complaints which have been considered as falling within the scope of complaints, two themes are emerging on the nature of the complaints; firstly conduct at council meetings and secondly councillor interests.
- 5.5. In relation to conduct at council meetings, these to date have been marked as no further action as his has fallen within the political speech. The current legal framework and caselaw protects the freedom of expression Article 10, which includes Councillors, caselaw has established that:
  - The enhanced protection applied to all levels of politics, including local.
  - Article 10 protected not only the substance of what was said, but also the form in which it was conveyed. In a political context, the immoderate, offensive, exaggerated and aggressive may be tolerated where it would not otherwise be. Article 10 protected the right to make incorrect but honestly made statements; it did not protect statements which the publisher knew to be false.
  - Politicians were subject to wider limits of acceptable criticism. They were expected to be more thick-skinned and tolerant to comment than ordinary citizens.
  - Enhanced protection applies also to those who commented upon politics and politicians, notably the press.
- 5.6. To the public and councillors this conduct and legislative interpretation is at odds with national campaigns to promote civility in public life and debate note hate. In complaints relating to conduct in the chamber the decision does record the importance of civility and mutual respect even where there are passionate debates. As part of the proposed member induction and future work in relation to standards this debate not hate campaign and civility in public life will be included to support councillors in ensuring public confidence in local democracy.
- 5.7. In relation to interests, generally this has been in relation to a perception of an interest rather than a failure to declare an interest, in such cases no further action is recommend as the outcome and a standard reminder for Councillors to review their interest and be aware of the arrangements for declaring interests on items. The Monitoring Officer will cover the reminder with officers to review their interests as part of the member communications and again this will be picked up as part of the post May elections.
- 5.8. The Monitoring Officer continues to receive requests for complaints to be considered anonymously. In most cases without reasons provided but where a reason has been provided and a determination has been made that this has not been accepted requests have been made to provide clarity on this arrangement.

The arrangements of the Council do not differ to that of many other councils but recognising that a request has been made to look into this, the Monitoring Officer seeks to review the procedure and guidance in relation to requests for anonymity and bring the updates to this work to the committee for decision on any proposed changes to the arrangements.

## **6. Next Steps**

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- 6.1. It is recommended that further reporting on the code of conduct be reported to the committee on a six-monthly basis.

As set out earlier in the report, the Monitoring Officer will conduct a review of the procedure in relation to the arrangements for the handling of anonymous complaints and bring a future report to the Committee for consideration. The Monitoring Officer will also engage with Customer Experience team explore improvements on the online form and webpage for enhanced signposting when this does not fall within the Code of Conduct complaints process.

## **7. Implications (including financial implications)**

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### **7.1. Resources and Financial and Transformation**

- 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. There are no relevant policies or plans save for the arrangements for the handling of code of conduct complaints as set out in the constitution.

#### **7.4. Risk**

7.4.1. There are no significant risks arising from the proposed recommendations in this report.

#### **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. With the Council's declaration of a climate emergency in July 2021 and the approval of the Carbon Management Plan in December 2022, we have committed to working towards becoming a carbon neutral council by 2030

7.7.2. [Climate Change Impact Assessment \(intranet link\)](#).

#### **7.8. Community Impact**

7.8.1. None.

#### **7.9. Crime and Disorder Impact**

7.9.1. None.

### **8. Background Papers**

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8.1. None.