

## Joint Standards Committee

20 January 2025

### Part 1 - Public

#### Matters for Information



Cabinet Member	n/a
Responsible Officer	Adrian Stanfield, Monitoring Officer
Report Author	Adrian Stanfield, Monitoring Officer

#### Complaints Update

##### 1 Summary and Purpose of Report

- 1.1 This report updates Members on the complaints made to me as Monitoring Officer that a Member may have failed to comply with their authority's Code of Conduct.

##### 2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Upholding high standards of conduct is an essential element of ensuring that the Council is able to deliver its services in the most efficient way.

##### 3 Recommendations

- 3.1 Members are asked to note the outcome of complaints assessed by the Monitoring Officer since the previous update to this Committee on 5 June 2024.

##### 4 Introduction and Background

- 4.1 In accordance with the arrangements adopted by the Borough Council for dealing with complaints that a councillor has breached their authority's code of conduct, complaints are subject to an initial assessment by me in consultation with the Independent Person(s) and the Chair and Vice-Chair of the Joint Standards Committee. In advance of that assessment, I invite the Councillor against whom the complaint is made to submit their initial views to me so that these may be taken into account in our deliberations.
- 4.2 Our adopted procedure requires that complaints are assessed against the following preliminary criteria –

**The legal jurisdiction test** - this contains 6 elements, including

- was the person complained of acting in an official capacity at the time of the alleged conduct?
- If the facts could be established as a matter of evidence, could the alleged conduct be capable of a breach of the Code of Conduct?

If a complaint fails one or more of the jurisdiction tests, no further action will be taken and the complaint will be rejected;

**The local assessment criteria test** - if a complaint passes the legal jurisdiction test, I am then required to apply the local assessment criteria test. There are 12 elements to this test, including

- The complaint is relatively minor and dealing with the complaint would have a disproportionate effect on both public money and officers' and Members' time;
- The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter, e.g. where there is no firm evidence on the matter

- 4.3 If one or more of the local assessment criteria applies to the complaint, no further action will be taken by me and the complaint will be rejected.
- 4.4 If a complaint passes the above tests, the next stage is then to consider whether the complaint merits investigation, or if it is more appropriate for it to be resolved on an informal basis. In certain cases it may also be appropriate to take no action, notwithstanding the fact that a complaint has passed the initial tests.
- 4.5 As previously agreed by this Committee, personal details of Complainants or Subject Members are not published unless a complaint leads to investigation and public hearing before the Hearing Panel.

## 5 Proposal

- 5.1 Details of the complaints assessed since 5 June 2024 are set out in the table attached at Annex 1.
- 5.2 3 complaints have been made to the Local Government and Social Care Ombudsman (LGSCO) in relation to decisions reached by the Monitoring Officer. 2 of these cases relate to decisions made by the Monitoring Officer during 2024 with the third relating to a decision made during 2023. In all 3 cases the LGSCO has indicated that it will not investigate the complaints because there is insufficient evidence of fault.

## 6 Other Options

- 6.1 Not applicable.

## **7 Financial and Value for Money Considerations**

7.1 None arising from this report.

## **8 Risk Assessment**

8.1 It is important for transparency purposes to share complaint outcomes with the Joint Standards Committee. However, there are risks associated with publishing any personal data (whether that relates to the complainant, subject member or witnesses), hence the safeguards set out in paragraph 4.5 above.

## **9 Legal Implications**

9.1 The Borough Council is required under s28(6) of the Localism Act to have in place arrangements under which allegations can be investigated and decisions on allegations can be made.

## **10 Consultation and Communications**

10.1 The Chair and Vice-Chair of the Joint Standards Committee, together with the Independent Person have been consulted on all of the complaints set out in the Annex, prior to the Monitoring Officer reaching a decision.

10.2 The outcomes of all complaints are reported to the complainant and subject member(s), together with the clerk to the parish/ town council (where applicable).

## **11 Implementation**

11.1 No further action is required in order to implement the decisions set out in Annex 1.

## **12 Cross Cutting Issues**

12.1 Climate Change and Biodiversity

12.1.1 Limited or low impact on emissions and environment.

12.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

12.2 Equalities and Diversity

12.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Background Papers	None
Annexes	Annex 1 – summary of complaints made to Monitoring Officer