

MEMBER CONDUCT COMMITTEE
13TH JUNE 2022

PRESENT: The Chair (Councillor Murphy)
The Vice Chair (Councillor Ranson)
Councillors Draycott, Hadji-Nikolaou, K. Harris and
Rollings

Councillors Ball, Ellingworth and Jones (Parish
Members)

Head of Strategic Support
Democratic Services Manager
Democratic Services Officer (NC)

APOLOGIES: Councillor Ward

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. He also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

1. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 13th December 2021 were confirmed as a true record.

2. DISCLOSURES OF PECUNIARY INTERESTS AND OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS.

No disclosures were made.

3. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions had been received.

4. UPDATE ON COMPLAINTS RECEIVED

Considered a report of the Monitoring Officer providing an update on complaints received about breaches of the Members' Code of Conduct and any issues arising from those complaints (item 5 on the agenda filed with these minutes).

It was clarified that the complaint about a Borough Councillor in 2022/23 related to a potentially improper connection with a landlord of a HMO property.

RESOLVED that the current position in respect of complaints about breaches of the Members' Code of Conduct that have been received by noted.

Reason

To keep the Committee informed about complaints.

5. MEMBER CONDUCT COMPLAINTS - FACT FINDING REPORTS

Considered a report of the Monitoring Officer presenting a proposal to update the reporting and publicity arrangements for Member Conduct complaints at the fact finding stage (item 6 on the agenda filed with these minutes).

The Monitoring Officer explained the background to this proposal, that currently only the 'complaints received' report regarding fact-finding information was in the public domain and noted that if the proposal was approved, it would not require a change to the Council's constitution.

Summary of discussion:

- the proposal would not prevent recipients of the fact-finding report circulating the information more widely if they wished but an anonymised report as proposed would not incur any privacy issues from the Council's perspective.
- the fact-finding reports could be included in FOI requests under the Freedom of Information (FOI) Act 2020. The Committee had agreed in June 2013 that as the potential breach of the Members' Code of Conduct was not proven at the fact finding stage the name of the councillor of whom a complaint had been made would not be released unless it was in the public's interest.
- the proposed approach to fact-finding reports would not result in additional work for officers.
- if the current process was continued but with the reports marked as confidential the Council could not enforce recipients to observe this.
- transparency of the process was important and the proposal would support this. The proposed fact-finding reports and / or a link to the documents could be uploaded to the Council's website on the 'Make a Complaint about Councillors' webpage after the 10 working days appeal period had passed.
- it could be important to protect a councillors' privacy particularly if the complaint was not upheld. However, the proposed report template would not include identifying names. If appropriate, malicious complaints would be referred by the Monitoring Officer to the Police and numerous complaints from one person would be identified by the Monitoring Officer or Deputy Monitoring Officer during the fact-finding process.
- identifying Parish and Town Councils in the fact-finding report was considered to be required. Of the three Parish Members attending two members considered this would be appropriate and that it was in the public's interest to be aware of complaints made about their local council. It was noted that there were some parish and town councils where the number of councillors was low and this could potentially increase the risk of the councillor being complained about being identified. However the report would be a very high level summary of the fact finding information and it was considered low risk.

RESOLVED that the proposed approach towards fact finding reports into Member conduct complaints as set out in Part B of the report be approved, and that such fact

finding reports, including the name of the Borough and Parish and Town Councils should in future, be published on the Borough Council's website.

Reason

To respond to a recent recommendation following an independent investigation that the status of fact-finding reports into Member conduct complaints should be clarified, and to adopt a revised approach based on that used by the Public Services Ombudsman for Wales.

6. WORK PROGRAMME

Considered a report of the Monitoring Officer enabling the Committee to agree a work programme to plan its future business (item 7 on the agenda filed with these minutes).

RESOLVED that the Committee's current work programme be noted and updated in accordance with the decisions taken during the consideration of this item and other items on the agenda.

Reason

To enable the Committee to fulfil its role in promoting and maintaining high standards of conduct by councillor and co-opted members.

NOTES:

1. No reference may be made to these minutes at the next ordinary Council meeting unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on the fifth working day following publication of these minutes.
2. Councillor Jones (non-voting Parish Member) and the Democratic Services Manager listed as present, attended the meeting virtually.
3. These minutes are subject to confirmation as a correct record at the next meeting of the Member Conduct Committee.