

## MEMBER CONDUCT COMMITTEE – 17TH SEPTEMBER 2018

### Report of the Monitoring Officer

#### Part A

#### ITEM 5 UPDATE ON COMPLAINTS RECEIVED

##### Purpose of Report

To provide the Committee with an update on the complaints about breaches of the Code of Conduct that have been received and any issues arising from those complaints.

##### Recommendation

That the current position in respect of complaints about breaches of the code of conduct that have been received be noted.

##### Reason

To keep the Committee informed about complaints.

##### Policy Justification and Previous Decisions

The functions and responsibilities of the Committee set out in the Council's Constitution include determining any complaints that members of the Borough Council or the parish and town councils in the Borough have breached the Code of Conduct. The initial stages of the complaints process are dealt with by the Monitoring Officer and the purpose of this report is to keep the Committee informed of the volume and nature of complaints that are received.

##### Implementation Timetable including Future Decisions

It is recommended that the Committee receives reports at each meeting about the complaints that have been received.

##### Report Implications

The following implications have been identified for this report.

##### *Financial Implications*

None

##### *Risk Management*

No risks have been identified with this decision.

Background Papers: None

Officer to Contact: Adrian Ward  
Head of Strategic Support and Monitoring Officer  
01509 634573  
[adrian.ward@charnwood.gov.uk](mailto:adrian.ward@charnwood.gov.uk)

## Part B

### Summary of Complaints Received to 31st August 2018

1. Since the last meeting of the Committee there have been four new complaints received; two during 2017/18 and two during 2018/19. There has also been a further instance where several officers raised concerns about the actions and conduct of a Borough Councillor which the Monitoring Officer felt necessitated a report to a Panel of the Member Conduct Committee.
2. Two of these cases relate to Borough Councillors, and three to Parish or Town Councillors. For four of the cases fact finding reviews have been completed which concluded that no further action was necessary, and in the fifth case an investigation is in progress.
3. For comparative information, the following table summarises complaints received in previous years (including complaints about both Borough and Parish/Town Councillors):

Year	Total Complaints	No Further Action Required	Other Action
2012/13 (9 months)	10	8	1 x action other than an investigation. 1 x investigation found no breach of the Code.
2013/14	6	4	2 x hearing found a breach of the Code but no sanction imposed.
2014/15	21	19	2 x actions other than an investigation.
2015/16	14	13	1 x hearing found that a breach of the Code had occurred and imposed a sanction and recommended training.
2016/17	7	5	1 x investigation found no breach of the Code. 1 x hearing recommended imposing specified sanctions to the relevant town/parish council.
2017/18	10	8	1 x investigation found no breach of the Code. 1 x investigation was inconclusive due to lack of cooperation from the councillor – hearing found that although a breach could not be proven the parish council should write to the councillor to remind

			him of his obligations under the Nolan Principles
--	--	--	--

Appendices

Appendix A – Details of complaints received in 2017/18 and 2018/19 (to date)

Details of complaints received in 2017/18

<b>Type of councillor</b>	<b>Number of complaints</b>	<b>Outcome</b>	<b>Issues raised in complaint</b>	<b>Reason for no further action</b>	<b>Description of other action</b>	<b>Outcome of investigation</b>
Borough	6	Informal resolution	Comments on social media showed a lack of respect	Not clear whether Councillor was acting in official capacity. However, offer of an apology was accepted by the complainant		
		Fact finding review – no further action required	Breach of several of the Nolan principles as incorporated in the Code of Conduct	Element of political motivation behind the complaint. Also evidence provided by the Councillor to refute several of the concerns raised by the complainant		
		Fact finding review – no further action required	Breach of several of the Nolan principles as incorporated in the Code of Conduct	No evidence of any breach of the Code of Conduct. An appeal was submitted by the complainant, which was considered by the Chair and Vice-chair who decided not to take any further action.		
		Fact finding review – no further action required	Unacceptable behaviour, breach of confidentiality, and failing to show respect	The concerns raised would not, if substantiated, amount to a breach of the Code of Conduct.		
		Investigation completed and no breach of the Code of Conduct found	Making an untruthful statement at a meeting and bringing the council into			Investigator concluded that the conduct did not amount to a breach of the Code of Conduct, but urged

Type of councillor	Number of complaints	Outcome	Issues raised in complaint	Reason for no further action	Description of other action	Outcome of investigation
			disrepute			the Councillor to express themselves more carefully in the future
		Fact finding review – no further action required	Poor chairing of a meeting and lack of impartiality leading to bullying	No evidence of a breach of the Code of Conduct or any inappropriate actions in chairing the meeting in question		
Parish / Town	4	Investigation completed and hearing undertaken by a Member Conduct Panel	Viewing an inappropriate image on a mobile phone during a council meeting			Investigator could not prove or disprove the allegation because of lack of cooperation from the Councillor. A Panel of the Member Conduct Committee determined that while no breach of the Code of Conduct was proved, that the relevant parish council should formally write to the Councillor reminding him of his obligations under the Nolan Principles

Details of complaints received in 2017/18

Appendix A

Type of councillor	Number of complaints	Outcome	Issues raised in complaint	Reason for no further action	Description of other action	Outcome of investigation
		Fact finding review – no further action required	Comment on social media showing a lack of respect	Councillor was not acting in their capacity as a councillor when they posted the comment in question		
		Fact finding review – no further action required	Rude and aggressive behaviour showing a lack of respect	Issues raised within the complaint were not serious enough to warrant any further action or investigation		
		Fact finding review – no further action required	Viewing private information displayed on a mobile phone during a meeting, and subsequently making rude and disrespectful allegations about an image that was seen	This was a counter complaint to a complaint that a Councillor had been viewing an inappropriate image on his phone during a parish council meeting. The fact finding review concluded that the issues raised within the counter complaint were unfounded as potential breaches of the Code of Conduct		

Details of complaints received in 2018/19 (to date)

<b>Type of councillor</b>	<b>Number of complaints</b>	<b>Outcome</b>	<b>Issues raised in complaint</b>	<b>Reason for no further action</b>	<b>Description of other action</b>	<b>Outcome of investigation</b>
Borough	1	Member Conduct Panel referred some of the concerns to the Monitoring Officer for investigation	Several officers raised concerns about the actions and conduct of a Councillor that the Monitoring Officer felt necessitated a report to a Panel of the Member Conduct Committee			Investigation in progress
Parish / Town	2	Fact finding review – no further action required	Failure to properly declare business interests, and discussing confidential information in public	Failure to declare business interests was an oversight, and the business in question was not trading anyway. Councillor proved they could not have been present in the location on the date and time at which it was alleged that confidential information had been discussed in public		
		Fact finding review in progress	Making slanderous public comments			