



REPORT TITLE:	Code of Conduct for Councillors: Local Investigations and Determinations – July 2023 – December 2023
REPORT OF:	Emily Yule – Monitoring Officer

REPORT SUMMARY

The Standards Committee receives a regular summary of complaints and queries received in relation to Members' behaviour under the Code of Conduct. This report sets out the complaints that have been received in the period July 2023 to December 2023 and the action that has been taken in respect of those complaints.

This report is for noting only.

SUPPORTING INFORMATION

1.0 REASONS FOR REPORT

- 1.1 Article 9 of the Constitution sets out the role and functions of the Standards Committee. This includes *monitoring the operation of the Members' Code of Conduct*. The Monitoring Officer provides a regular analytical report of complaints received to the Standards Committee to assist in the fulfilment of this function.

2.0 BACKGROUND INFORMATION

- 2.1 In 2018, the Committee resolved that a twice-yearly report be made to the Committee detailing all complaints and queries that had been received by the Monitoring Officer, including those that were progressed to formal investigation and those that had been reported but resolved informally or where advice had been given to the complainant.

- 2.2 The Monitoring Officer has received five Code of Conduct complaints since last reporting to Standards Committee on 22 August 2023. This is consistent with the volume of complaints received in the previous reporting period. A historic complaint (SC0096/22) has since been resolved. A summary of the complaints is included within Appendix 1.
- 2.3 All bar one of the complaints relate to District Councillors. These are all different issues and relate to different Councillors, therefore there is no suggestion of an ongoing pattern of behaviour in a particular area or by a particular Councillor. In most cases, the Monitoring Officer will notify the subject Councillor of the complaint and seek their response. However, where the code is not engaged or if the complaint is dismissed at initial assessment the Monitoring Officer may not notify the subject Councillor. In the latter case the Monitoring Officer will normally notify the Councillor that a complaint has been received and dismissed, except where, in their view, it would be detrimental to the complaint or the Councillor to share that information.
- 2.4 The Monitoring Officer also received two complaints whereby the code had not been engaged. This means that at the initial assessment stage of the complaint, the Monitoring Officer determined that the matter did not fall within the remit of the Code of Conduct. Details have been summarised within Appendix 2.
- 2.5 These two complaints relate to the same matter concerning a Parish Council. Because the complaints relate to procedural matters they are not captured by the Code of Conduct and should be referred to the Parish Council's complaints procedure.
- 2.6 In addition the Monitoring Officer has dealt with a number of conduct matters informally and has provided ongoing informal support to two Parish Councils. These informal conversations have identified a need for Equality, Diversity and Inclusion training for Members and an update to the Social Media policy for Members. These actions are being worked on by relevant officers.
- 2.7 The Code of Conduct Complaints Procedure and Standards Sub-Committee Procedure Rules have recently been reviewed by the Constitution Working Group as part of its review of the whole Constitution. The proposed Constitution including these amended procedures will be brought to the Full Council for approval on 13 February 2024.

3.0 RELEVANT RISKS

- 3.1 There is a risk that the Code of Conduct is not applied fairly and consistently. There is a low likelihood of this risk occurring with medium impacts. This risk is mitigated by the involvement of the Independent Person in complaints, by this Committee's monitoring of complaint statistics and by having an experienced Monitoring Officer in post.

4.0 ENGAGEMENT/CONSULTATION

- 4.1 Where necessary the Monitoring Officer has consulted with the Independent Person and engaged in communication with the complainant and subject of the complaint as deemed required.

5.0 FINANCIAL IMPLICATIONS

- 5.1 None.

6.0 LEGAL/GOVERNANCE IMPLICATIONS

- 6.1 The Council has a statutory duty to appoint a Monitoring Officer under S.5 of the Local Government and Housing Act 1989.
- 6.2 Section 28 of the Localism Act 2011 requires that Council has 'arrangements' in place for dealing with alleged breaches of the Code of Conduct for Elected Members. The Monitoring Officer is responsible for receiving and determining Code of Conduct complaints made against members of Rochford District Council and Parish Councils within the district. The Monitoring Officer may refer complaints to the Standards Committee appointed by the District Council in accordance with the Council's complaints procedure.
- 6.3 The Monitoring Officer is required to seek the views of an Independent Person, appointed by the Council or that purpose, before finding a Councillor in breach of the Code of Conduct.

7.0 EQUALITY & HEALTH IMPLICATIONS

- 7.1 An Equality Impact Assessment has not been carried out as no decision is being made by the Committee.

8.0 ENVIRONMENT & CLIMATE IMPLICATIONS

- 8.1 None arising from this report.

9.0 ECONOMIC IMPLICATIONS

- 9.1 None arising from this report.

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APPENDICES

Appendix 1 – Code of Conduct complaints

Appendix 2 – Code not engaged complaints

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Standards Committee	22 August 2023 21 March 2023 29 March 2022 24 March 2021

ROCHFORD DISTRICT COUNCIL STANDARDS COMMITTEE
STANDARDS COMPLAINTS

No.	Complaint Reference	Date of Complaint	Complaint Against District/Parish Councillor	Complainant	Details	Outcome
1	SC0096/22	01.11.2022	District	Parish Councillor	Alleged use of position to influence the behaviours residents, interfering in an ongoing tender process and attempting to intimidate Parish Council representatives and employees.	No breach of the Code – no evidence to support allegations.
2	SC0107/23	17.10.2023	District	Parish Councillor	Allegations of insult and defamation of character received via fellow Cllrs, members of the public, dignitaries, local groups and representatives whilst representing the Council.	Under investigation
3	SC0108/23	02.10.2023	District x 3	Member of staff	Alleged that unreasonable comments were made at a Development Committee meeting by a number of Councillors about the	No breach of the Code - members are entitled to make an expression of opinion and ask challenging questions

APPENDIX 1

No.	Complaint Reference	Date of Complaint	Complaint Against District/Parish Councillor	Complainant	Details	Outcome
					quality and validity of information being presented by officers.	of officers. The comments made did not breach the threshold of reasonableness.
4	SC0109/23	21.11.2023	Parish	District Councillor	Alleged inappropriate use of official email address to lobby Councillors with regards to a planning application.	Under investigation – awaiting further information from the complainant
5	SC0110/23	08.12.2023	District	Member of the public	Allegation that Councillor has made untrue statements to the local press and has misused position. Alleged unprovoked and unwarranted unpleasant behaviour towards the complainant.	Under initial assessment
6	SC0111/23	19.12.2023	District	Member of the public	Alleged bias in summing up comments during a planning debate.	Under initial assessment

APPENDIX 2

ROCHFORD DISTRICT COUNCIL STANDARDS COMMITTEE
STANDARDS COMPLAINTS – CODE NOT ENGAGED

No.	Date of Complaint	Complaint Against District/Parish Councillor	Complainant	Details	Outcome
1	04.07.23	District	Parish Council	Alleged disruption caused to a scheduled parish council meeting by the member inviting additional attendees to discuss a topic not on the agenda and not relevant to the area.	The complaint does not fall within the remit of the Code of Conduct
2	16.10.23	Parish	Resident	A number of complaints relating to how the Parish Council has dealt with complaints from the resident and concerns about parish council meetings being cancelled.	The complaint does not fall within the remit of the Code of Conduct