

## **COUNCILLOR CONDUCT COMMITTEE**

**20 JANUARY 2021**

### **MONITORING OFFICER ANNUAL REPORT**

Report from/Author: Perry Holmes, Chief Legal Officer

#### Summary

This report sets out the activity of the Monitoring Officer and the Councillor Conduct Committee for the calendar year of 2020.

#### 1. Budget and policy framework

- 1.1. The Councillor Conduct Committee has the role of promoting and upholding high standards of conduct by councillors. The Monitoring Officer is the senior officer supporting the Committee's work and the initial contact when concerns about misconduct are raised.

#### 2. Background

- 2.1. The Councillor Conduct Committee receives reports relevant to its work and considers formal complaints about the misconduct of councillors.
- 2.2. The Council has an approved process for considering complaints about councillor misconduct. Before a complaint is formally received the complainant is asked to speak with the Monitoring Officer to see if an informal resolution is possible.
- 2.3. The Monitoring Officer has previously reported the number of complaints considered by the Committee but has not historically reported the informal resolutions.
- 2.4. Members have indicated that in order to give proper context to the work of the Committee it would be helpful for the Monitoring Officer to produce an annual report detailing the general work of the Committee and more detailed information about informally resolved and formally considered complaints.

### 3. Annual Report

3.1. The Councillor Conduct Committee has completed the following work this year;

3.1.1. Considered formal complaints against Councillors (see section 4 for details) in accordance with the Council's published procedure for dealing with such complaints.

3.1.2. Considered and decided upon applications for dispensations from members (see section 6).

3.1.3. Considered the LGA's draft Model Code of Conduct and contributed to a draft response to the consultation questions regarding the Model Code.

### 4. Complaints statistics

4.1 The Councillor Conduct Committee has received 5 complaints this year compared to 2 in 2019 and a 7 in 2018.

#### Formal Complaints

Year	Number of complaints	Complainant	and Outcome
2018	12	Public	001 (6 Councillors) – 5 elements: 4 No further action, 1 breach
		Public	002 – Informal resolution
		Councillor	003 – potential breach – refer to political group for resolution
		Councillor	004 – potential breach – refer to political group for resolution
		Councillor	005 – No further action
		Public	006 – No further action
		Public	007 (related to 001) Letter to be sent to the subject member
2019	2	Councillor	001– No further action
		Councillor and Officers	002 – potential breach – refer to political group for resolution

2020 to date	6	Public	001 (2 Councillors) – No further action
		Public	002 (Parish Councillor) – No further action
		Public	003 – No further action
		Public	004 – Refer to political group for resolution
		Public	005 – TBC

- 4.1 During the equivalent period the Monitoring Officer, following the Councillor Conduct Committee procedure to find an informal resolution where possible, before progressing to a formal complaint, has done so to the satisfaction of the complainant 9 times in 2018, 3 times on 2019 and 7 times in 2020.
- 4.2 The kinds of concerns raised have included, whether a Councillor had disclosed confidential information, delays in Councillors responding to correspondence, whether they have conflicts of interest or have registered their interests correctly and the use of language. Often after a discussion with both the person raising a concern and the relevant Councillor, information has come to light which has led to the concern being withdrawn. In other circumstances public statements or the provision of training have been agreed to informally resolve a concern.

### Concerns informally resolved

Year	Number	Who raised the concern/type of matter
2018	9	Officer – Councillor disclosing info
		Councillor – register of interests
		Public – register of interests
		Councillor – inaccurate information at Council meeting
		Public – sale of Council building
		Councillor - Conflict of interest
		Officer – food hygiene matter
		Public – planning
		Councillor - predetermination
2019	3	Councillor – comments in newspaper article
		Public – local plan
		Public – local councillor delay in responding
2020 to date	7	Councillor – car parking
		Officer – Councillor at hearing
		Parish Cllr – Local plan
		Councillor – comments at Council meeting
		Public – Councillor use of language
		Officer – Councillor behaviour at meeting
		Councillor – Councillors comments before meeting

## 5. Register of Members' interests

- 5.1 The Monitoring Officer has reviewed the Register of Members' interests each year and agreed in-year amendments by Councillors. He has also recently reminded Councillors to check that their Register is up to date.

## 6. Dispensations

- 6.1 The Committee agreed the following dispensation in 2020.

<b>NAME</b>	<b>DISPENSATION DETAILS</b>	<b>TERM</b>
Geoff Matthews (non-voting co-optee of the Children and Young People O&S Committee)	The Committee granted a dispensation to allow participation in debate on the annual schools performance report at Children and Young People Overview and Scrutiny Committee meetings in which he has a Disclosable Pecuniary Interest in relation to his employment by Leigh Academies Trust at Strood Academy.	Two years (expires January 2022)

- 6.2 The Committee also considered three further dispensation requests from three Parish Councillors in December 2020. However, the Committee agreed not to approve the requests as it concluded that the interests of all three Parish Councillors were too significant in relation to the issue for which the dispensations were requested.

- 6.3 The following dispensations are currently live:

<b>NAME</b>	<b>DISPENSATION DETAILS</b>	<b>TERM</b>
Stuart Jeffery	On 19 February 2019, the Monitoring Officer granted a dispensation to Stuart Jeffery for the meeting of the Health and Wellbeing Board on 19 February 2019 to allow participation in debate and/or to vote on the annual report on NHS Medway CCG's contribution to the Board's Joint Health and Wellbeing Strategy at Health and Wellbeing Board meetings in which he has a Disclosable Pecuniary Interest in relation to his paid position at NHS Medway Clinical Commissioning Group	Expired on 20 February 2019
Dr Peter Green	On 19 February 2019, the Monitoring Officer granted a dispensation to Dr Peter Green for four years to allow participation in debate and/or to vote on the annual report on NHS Medway CCG's contribution to the Board's Joint Health and Wellbeing Strategy at Health and Wellbeing Board meetings in which he has a Disclosable Pecuniary Interest in relation to his paid position at NHS Medway Clinical Commissioning Group.	Expires 12 March 2023 (although Dr Green is no longer a Board member).
Fay Cordingley	On 5 March 2019, the Monitoring Officer granted a dispensation to Fay Cordingley for four years to allow	Expires 4 March 2023.

	participation in debate and/or to vote on the annual schools performance report at Children and Young People Overview and Scrutiny Committee meetings in which she has a Disclosable Pecuniary Interest in relation to her employment at St James' Church of England Academy and St Margaret's Junior School.	
Councillor Howard Doe	On 19 June 2019, the Committee granted a dispensation to allow participation in debate and/or to vote on any item at Cabinet, Council and any other Committee meeting of the Council (except regulatory committees), in which he has an other significant interest as follows: a) Director and Chairman of Medway Development Company Limited b) Director and Chairman of Medway Commercial Group Limited c) Director of Medway Public Services Limited.	Expires 30 June 2023
Councillor Adrian Gulvin	On 19 June 2019, the Committee granted a dispensation to allow participation in debate and/or to vote on any item at Cabinet, Council and any other Committee meeting of the Council (except regulatory committees), in which he has an other significant interest in relation to his position as Director of Medway Development Company Ltd.	Expires 30 June 2023
Councillor Rupert Turpin	On 19 June 2019, the Committee granted a dispensation to allow participation in debate and/or to vote on any item at Cabinet, Council and any other Committee meeting of the Council (except regulatory committees), in which he has an other significant interest as follows: a) Director of Medway Commercial Group Limited b) Director of Medway Norse.	Expires 30 June 2023
All Members	On the 10 October 2019, the Monitoring Officer granted a dispensation to all Members of the Council, for a four year period, to allow Members to participate in debate and/or vote on reports relating to Members' allowances, in which they have an Other Significant Interest.	Expires 9 October 2023

## 7. Members training and development

7.1 At the mid point of this electoral term it is proposed that refresher training is

provided to members of the Councillor Conduct Committee on the procedure for dealing with complaints against Councillors.

- 7.2 Two Independent Persons were appointed by full Council on 8 October 2020 for a four year term in accordance with the Localism Act 2011. It is proposed that they are also invited to the training. The training will be provided by the Monitoring Officer regarding the Council's process for dealing with complaints against Councillors and also the Independent Persons' role in the disciplinary process for senior officers.

## 8. Risk Management

- 8.1 Risk management is an integral part of good governance. The Council has a responsibility to identify and manage threats and risks to achieve its strategic objectives and enhance the value of services it provides to the community.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Reputational risk to the Council if complaints are not progressed in accordance with complaints procedure	It is a statutory duty to appoint two Independent Persons and provide training. Failure to do so would prevent the authority from processing complaints in accordance with the Council's own complaints procedure.	Ensure 2 Independent Persons continue to be appointed and provide training.	B2
Reputational risk to the Council if the Member's Code of Conduct is not compliant with the LGA's Model Code of Conduct	The CSPL (Committee on Standards in Public Life) published its review of ethical standards in local government in January 2019 which tasked the LGA (Local Government Association) with preparing a Model Code of Conduct. The draft Model Code was circulated in June 2020 followed by a 10 week consultation. The final version of the Code was issued in December 2020.	Members of the CCC received a briefing on a review of the Model Code of Conduct in July 2020 and submitted an online response to the LGA's Consultation in August. The CCC will be presented with a review of the final Code with recommendations on any amendments needed to the existing Code of Conduct in March 2021.	

## 9. Financial implications

- 9.1 There are no financial implications arising directly from this report.

## 10. Legal implications

10.1 There are no direct legal implications set out in the body of this report.

## 11. Recommendation

11.1 The Committee to discuss and note this annual report.

### Lead officer contact

Perry Holmes, Chief Legal Officer, Gun Wharf, 01634 33 21 33  
[perry.holmes@medway.gov.uk](mailto:perry.holmes@medway.gov.uk)

### Background papers

None.

### Appendices

None.