

## **Councillor Conduct Committee**

**10 July 2024**

### **Review of Complaints 2023**

Report from/Author: Bhupinder Gill, Assistant Director Legal and Governance

#### **Summary**

The report informs the Committee of the number of complaints received under the code of conduct for councillors and the outcome.

#### **1. Recommendations**

- 1.1 The Committee are requested to note the complaints received during 2023 and the outcome.

#### **2. Budget and policy framework**

- 2.1 The screening process and delegated powers are within the Council's policy and budget framework. The adopted process, which is published on the council's website, provides transparency on how decisions will be made, and enables quicker and more efficient decision making.

#### **3. Background**

- 3.1 Pursuant to the Localism Act each local authority is required to adopt a code of conduct that members (co-optees) elected/appointed to that authority must comply with undertaking duties associated with holding public office. The code is derived from the Nolan principles of holding public office together with statutory defined elements that every code must contain.
- 3.2 Every code must provide a mechanism for complaints to be submitted and determined by the committee responsible for upholding high standards of conduct in public office. In September 2021 the committee considered a report by the MO to revise the process for considering complaints to provide greater transparency on the decision-making process and enable decisions to be made quicker and more efficiently. The committee resolved; (minute 316 refers)

*(1) The Committee recommended to full Council that the following delegation is granted:*

*The Councillor Conduct Committee delegates authority to the Monitoring Officer, who shall seek the views of Independent Person, to undertake the initial screening process for complaints and determine, if appropriate, that there is to be no further action (subject to the Independent Person sharing this view) on the following types of cases:*

- a) No Councillor has been identified;*
- b) No potential breach of the code has been identified;*
- c) Insufficient detail to make a determination;*
- d) The complaint is more than 6 months old and no cogent explanation for the delay in reporting;*
- e) The complaint relates to matters that are not within the Councillor Conduct Committee's remit.*
- f) The complaint is considered trivial, malicious or vexatious.*

*Note: If either the Monitoring Officer or the Independent Person consider the complaint should be referred on to the Councillor Conduct Committee for formal assessment, then this will be the action taken.*

*(2) The Committee delegated to the Monitoring Officer the authority to amend the Councillor Conduct complaints form and the Complaints Procedure accordingly*

3.3 The delegation was approved by Council at its meeting on 7 October 2021, minute 358 refers.

3.4 Following the receipt of a complaint, it has to be considered against the screening criteria and following the production of a draft decision, the latter is shared with the Council's Independent Person for them to review the complaint and proposed decision before finalising and dispatch.

3.5 In the calendar year 2023 five complaints were received. Brief details of the complaints received, and their outcome are set out in Appendix 1.

## 4. Options

4.1 The report sets out historical complaints data for review and receipt by the committee. Whilst the information shared may result in subsequent changes, none are proposed in this report.

## 5. Advice and analysis

5.1. The committee is recommended to note the use of the process and delegated powers.

## 6. Risk management

- 6.1. 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. Using the following table this section should therefore consider any significant risks arising from your report.

Risk	Description	Action to avoid or mitigate risk	Risk Rating
Loss of confidence in the complaints process	The public and others lose confidence in the complaints process	1. Timely responses are provided. 2. Fully reasoned and detailed decision are provided. 3. Decisions are shared with the member, so that any learning can be embraced.	CIII

For risk rating, please refer to the following table

Likelihood	Impact:
A Very likely B Likely C Unlikely D Rare	I Catastrophic II Major III Moderate IV Minor

## 7. Consultation

- 7.1. There was no third party consultation undertaken in producing this report.

## 8. Climate change implications

- 8.1. [The Council declared a climate change emergency in April 2019](#) - item 1038D refers, and has set a target for Medway to become carbon neutral by 2050.

- 8.2. There are no direct implications arising from this report.

## 9. Financial implications

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

## 10. Legal implications

- 10.1. These are contained within the body of the report.

Lead officer

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Appendices

Appendix 1 - Code of conduct Complaints, 2023 Review

Background papers

None.