

Audit and Standards Committee Report

Title of Report:	Interim Standards Complaint Update Report
Date of Decision:	19 September 2024
Report To:	Audit and Standards Committee
Report Of:	David Hollis, General Counsel and Monitoring Officer
Report Author:	Sarah Hyde, Democratic Services Team Manager
Executive Summary:	An update for Audit and Standards Committee members on the current position of standards complaints against elected members, co-opted members and Town/Parish Councillors.

Recommendations: that the Audit and Standards Committee are recommended to:

- (a) comment on the interim standards complaints update;
- (b) note the report; and
- (c) thank those that have supported the Monitoring Officer in progressing these matters.

Does the report contain confidential or exempt information? No

Financial Implications: No [Approved by: N/A]

Legal Implications: Yes [Approved by: David Hollis]

Equality and Inclusion Implications: No [Approved by: N/A]

Climate Change Implications: No [Approved by: N/A]

Background Papers: None

Appendices: None



1.0 Introduction

1.1 This is the third interim standards complaint update report to the committee and covers the period from January 2024 – July 2024.

2.0 Background

2.1 It was proposed in the Annual Standards report in February 2022 that interim update reports on standards complaints would be submitted to the Committee 6 months after the annual report. The next annual report will be submitted to the committee in January 2025.

2.2 The Audit and Standards Committee will also have the opportunity to consider recommendations of the Monitoring Officer to review the Members Code of Conduct and the Complaints procedure on a yearly basis and this is scheduled for any recommendations to be submitted to the committee in January 2025.

3.0 Proposal

3.1 Support is provided to the Monitoring Officer and Deputy Monitoring Officers in coordinating standards complaints by Democratic Services, namely the Democratic Services Team Manager (Sarah Hyde).

3.2 Independent Persons, as required by the Localism Act 2011 are appointed jointly with Barnsley MBC to assist the Monitoring Officer in dealing with complaints.

3.3 The Council's Independent Persons are Martyn Thorpe, David Irvine and Karen Widdowson.

3.4 The below table shows the number of complaints made in the period **January – July 2024** and a breakdown of the findings. When a complaint is received the relevant Group Leader and Whip and also the Chair of Audit and Standards are informed.

3.5

COMPLAINT OUTCOME	TOTAL
Take No Action (No Breach)	4
Withdrawn or Invalid	1
Rejected	10

Informal Resolution	0
Refer to Hearing Sub-Committee with an investigation	0
Refer to Hearing Sub-Committee without an investigation	0
Open	1
Total	16

- 3.6 There are as at the date of this report a small number of complaints that have been determined but where the formal notification has not been issued. An update on those will be provided at the meeting.
- 3.7 In the period **January - July 2024** the Consideration Sub-Committee met once to consider an open case from the previous year (SC.2023.17).
- 3.8 Changes to the Complaints procedure in February 2024, meant that the Consideration Sub-Committee ceased its function and now no longer meets. The new procedure allowed for cases to be referred straight to a Hearing Sub-Committee.
- 3.9 In the period **January – July 2024** the Hearing Sub-Committee met once to consider an open case from the previous year (SC.2023.10).

Key

Take No Action or Rejection

It is likely that no action will be taken where:-

- A significant amount of time has elapsed since the events which are the subject of the complaint.
- The allegation relates to a cultural or recurring issue relating to standards within the Council.
- The matter should be dealt with by some other method.
- Complaints have been made about the Member relating to similar issues that have previously been dealt with through this Procedure.
- The complaint appears to be trivial, vexatious, repetitious or a general misuse of the opportunity.
- The conduct occurred during political debate or could be regarded as a political expression of views or opinion.

Withdrawn or invalid

The complainant can withdraw a complaint if they so wish, however the Monitoring Officer reserves the right to pursue the issues in the complaint.

Informal Resolution

Informal resolution may be the simplest and most cost-effective way of resolving the complaint and without determining if an actual breach of the Code has taken place.

Refer to Hearing Sub-Committee with an investigation

It is expected that the Monitoring Officer will refer only the most serious breaches for investigation or where the Member fundamentally disputes or does not accept the allegations in the complaint.

Refer to Hearing Sub-Committee without an investigation

The Monitoring Officer can refer a complaint direct to the Sub-Committee if it is considered that there is a breach of the Code but there is no dispute over the events in relation to the complaint and an investigation is not considered necessary.

Open

Complaints logged, but still going through the initial assessment process.

4.0 **Financial and Commercial Implications/Legal Implications/Climate and Environmental Implications/Other Implications**

It is a requirement of the Localism Act 2011 that the Council has a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity. The Councillor Code of Conduct is adopted by Full Council as part of its constitution.

It must also have in place arrangements under which written allegations that a member or co-opted member of the authority has failed to comply with the authority's code of conduct can be investigated, and under which decisions on those allegations can be made.

The Monitoring Officer Protocol in the Council constitution provides those arrangements. The complaints in this report are considered in line with that Protocol, the requirements of the Localism Act 2011 and relevant case law.

There are no financial or commercial implications to this report.

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