

Rother District Council

Report to	-	Audit and Standards Committee
Date	-	22 June 2020
Report of the	-	Monitoring Officer
Subject	-	Code of Conduct Complaints Monitoring and Other Standards Matters

Recommendation: It be **RESOLVED:** That

- 1) the report be noted; and
 - 2) a training session be put together for all Members on the type of complaints received and the outcomes as learning for all at the end of the civic year 2020/21.
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Monitoring Officer: Lisa Cooper

Introduction

1. This routine report sets out brief details of the complaints received since the Committee's last meeting held in December where complaints were considered; as agreed by the Committee, this report presents cases on a six monthly rolling basis. It also advises the Committee of other standards related matters that have been dealt with since the Committee's last meeting.

Complaints Received

2. Since the last meeting there have been four valid Code of Conduct complaints made against three Parish Councillors and one District Councillor. In accordance with the wishes of the Committee, as none of the complaints have resulted in an investigation and a finding of fault, these are presented anonymously. The view of our Independent Persons was sought and concurred with my proposed action in each case; details of each case are provided at Appendix 1.
3. During this time, I have also received two non-valid complaints against two District Councillors. In one case the alleged misconduct was in relation to the non-disclosure of land in which the Member had a known beneficial interest and which was not showing on the Members' Register of Interests. Following an internal review, this information had been removed in error and was subsequently re-published on the Members' Register. In the other case the alleged misconduct was not perpetrated by the Councillor in question and was a genuine case of mistaken identity.

Other Standards Matters

4. Full Council approved this Committee's recommendation to appoint Mrs Rose Durban as one of the Council's Independent Persons (IPs) at its meeting in December 2019 (Minute C19/61 refers). As part of the induction programme I met with all three IPs in January this year and undertook a case review of all

the cases that had been considered since May 2019. This was a useful exercise in looking at the nature of the complaints and whether there were any emerging themes which may indicate a specific training need.

5. Whilst it was concluded that there were no common themes as such, it was suggested that a training session be put together for all Members on the type of complaints received and the outcomes as learning for all.
6. Members will need to understand, however, that as these will involve complaints made against current serving Councillors, some Members will recognise themselves; the case studies will be kept completely anonymous. It is recommended that this training session is put together at the end of the current civic year 20/21 to enable two years' worth of cases to have come forward and make the session more worthwhile.

Training

7. There has been no formal standards related training undertaken since the last meeting.

Register of Interests Audit

8. Usually in May, following the Annual Council meeting, all Members are requested to review their existing register of disclosable pecuniary and other interests as part of an annual audit. Due to the Covid-19 pandemic and the delay to the Annual Council meeting which took place on 1 June, this has yet to be completed but is currently underway with a deadline for responses to be received by 26 June 2020.

Parish and Town Councils

9. As previously reported and as rural Members may be aware, there is often a steady turnover of parish and town Councillors; making sure their registers of interests are received and kept up to date is a constant task. An audit of outstanding registers will be undertaken and reported to the next meeting.

Conclusion

10. The Committee is asked to note the report.

Mrs Lisa Cooper
Monitoring Officer

Risk Assessment Statement

The Audit and Standards Committee has a duty to promote and maintain high standards of conduct by Members and co-opted Members of the Council. Monitoring the number of complaints received and the nature of the complaints will enable the Committee to identify any trends and make recommendations for additional training and guidance as appropriate. Failure to do so could result in continued poor Member conduct, an increase in complaints administration and reputational damage for the Council.

MEMBER CODE OF CONDUCT COMPLAINTS SUMMARY SHEET

REF	DATE RECEIVED	COMPLAINANT	SUBJECT MEMBER	NATURE OF COMPLAINT, DECISION AND COMMENT
C19-08	24/12/19	Member of the public (former Councillor)	Battle Town Councillor	<p>Failing to treat fellow Councillor with respect; being pre-determined in respect of a Town Council Project and mismanagement and application of Standing Orders relating to meetings of Battle Town Council. (Note: the issue of pre-determination is in BTC's Code of Conduct).</p> <p>Decision: Part local resolution / part dismissed.</p> <p>Comment: This and the following complaint were as a result of essentially a fellow Councillors' dissatisfaction with how the Town Council was managing the Almonry Project. The Subject Member did agree to apologise to the complainant for failing to treat the fellow Councillor and his views (at the time) with respect. It was not considered that pre-determination was an issue as the decision to progress the Almonry Project had yet to be taken. BTC has clearly committed to the Project (it is in the Battle Town Plan) and the decisions taken to date were to ascertain the true project costs to enable public consultation.</p>
C19-09	24/12/19	Member of the public (former Councillor)	Battle Town Councillor	<p>Failing to treat fellow Councillors and public with respect and being pre-determined in respect of a Town Council Project.</p> <p>Decision: No further action (dismissed).</p>

REF	DATE RECEIVED	COMPLAINANT	SUBJECT MEMBER	NATURE OF COMPLAINT, DECISION AND COMMENT
				Comment: The allegation of failing to treat others with respect happened over 6 months ago and was refuted by the Subject Member. This element was not taken forward. The issue of pre-determination is set out as above.
C19-10	20/01/20	Member of the public	Rother District Councillor	<p>Failing to treat a young person with respect at a meeting and made complainant feel bullied; bringing office into disrepute.</p> <p>Decision: Part local resolution / part dismissed.</p> <p>Comment: Subject Member apologised to complainant; complainant and Subject Member known to each other for some time.</p>
C19-11	31/03/20	Member of public	Icklesham Parish Councillor	<p>Attempting to use position to confer on or secure an advantage or disadvantage.</p> <p>Decision: No further action (dismissed).</p> <p>Comment: Complaint centred on telephone conversation regarding the removal of a fake speed camera on private property. Audio recording of telephone conversation did not reflect the nature of the alleged complaint and conduct.</p>