

Rother District Council

Report to:	Audit and Standards Committee
Date:	7 December 2020
Title:	Code of Conduct Complaints Monitoring and Other Standards Matters
Report of:	Lisa Cooper, Monitoring Officer
Purpose of Report:	To receive an update on the number of complaints received and processed and other standards related matters since the last report in June 2020.
Officer Recommendation(s):	It be RESOLVED : That the report be noted.

Introduction

1. This routine report sets out brief details of the complaints received since the Committee's last meeting held in June 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 five valid Code of Conduct complaints made against two Parish Councillors and three District Councillors; one of the complaints against a district councillor has been referred for investigation but has yet to be concluded and is therefore not reported here. In accordance with the agreed process, 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 one non-valid complaint against a Parish Councillor. This complaint was made against a Parish Councillor who had resigned from the Parish Council in May, but as a consequence of the COVID-19 pandemic, the Clerk had failed to notify Rother District Council of the resignation. The complaint was therefore null and void as the Subject Member was no longer an elected Member.

Other Standards Matters

4. On the 4 November 2020, I attended the Annual Standards Conference organised by Hoey Associates in conjunction with Wilkin Chapman Solicitors with one of our Independent Persons (Rose Durban). The event was held on-line due to the on-going COVID-19 pandemic and covered topics including an update by the Committee on Standards in Public Life, Local Government and Social Care Ombudsman and the Society of Local Council Clerks. The conference provided a useful update on standards matters with interactive question and answer sessions and a number of straw polls. Unfortunately, what

you do not gain from an on-line event is the networking opportunities and informal discussions over coffee and lunch breaks.

Training

5. There has been no formal standards related training undertaken since the last meeting and due to time constraints and other priority work, I have yet to make contact with my counterparts concerning a case-swop for learning purposes. I hope to achieve this in the new year with a view to providing a learning and development session for Members at the end of the current civic year.

Risk Management

6. 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 poor Member conduct, an increase in complaints administration and reputational damage for the Council.

Conclusion

7. The Committee is asked to note the report.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	Yes		

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Lisa Cooper, Democratic Services Manager and Monitoring Officer
e-mail address:	lisa.cooper@rother.gov.uk
Appendices:	Appendix 1 – Member Complaints Summary
Relevant Previous Minutes:	None.
Background Papers:	None.
Reference Documents:	None.

MEMBER CODE OF CONDUCT COMPLAINTS SUMMARY SHEET

REF	DATE RECEIVED	COMPLAINANT	SUBJECT MEMBER	NATURE OF COMPLAINT, DECISION AND COMMENT
C20-01	26/05/20	3 members of the public	District Councillor	<p>Complaint: Concerns regarding the District Councillor's objectivity and honesty after previously confirming that she was no longer a member of a pressure group and appearing to be a social media administrator for the pressure group.</p> <p>The Councillor's objectivity and alleged pre-determination and influence over fellow Councillors.</p> <p>Decision: No further action (dismissed).</p> <p>Comment: Prior to election, the Councillor had previously been a social media administrator for the pressure group and due to a technical issue, any recent posts made by the Councillor appeared to come from the pressure group.</p> <p>The Councillor has a legitimate clear disposition towards the establishment of Town Council after campaigning on the issue prior to becoming a Councillor. Under the Localism Act 2011 Section 25 a Councillor is not to be regarded as being unable to act fairly or without bias if they participate in a decision on a matter simply because they have previously expressed a view or campaigned on it.</p>

REF	DATE RECEIVED	COMPLAINANT	SUBJECT MEMBER	NATURE OF COMPLAINT, DECISION AND COMMENT
C20-03	20/08/20	Member of the public	Parish Councillor	<p>Complaint: One-off incident of inappropriate behaviour during a site inspection at complainants' home address; Subject Member was aggressive, sarcastic, belittling and intimidatory – corroborated by a third-party present.</p> <p>Decision: Local Resolution – Subject Member agreed to apologise to Complainant and receive informal mentoring from Chairman of the Parish Council.</p>
C20-04	23/09/20	District Councillor	District Councillor	<p>Complaint: Failure to treat a fellow Councillor with respect during a formal committee meeting.</p> <p>Decision: No further action (dismissed).</p> <p>Comment: The Code of Conduct is not meant to restrict robust debate and challenge of opposing views put forward in a political environment. The comment made was at the suggestion, not the individual.</p>
C20-05	7/10/20	Member of the public	Parish Councillor	<p>Complaint: Comments made by Parish Councillor on a private Facebook Group allegedly created hostility towards the complainant and their business and had potential to be seen as bullying, harassment and an attempt to use position improperly to secure a disadvantage – in this case by attempting to have the complainants' business closed down. The business is currently under investigation for possible noise pollution.</p>

REF	DATE RECEIVED	COMPLAINANT	SUBJECT MEMBER	NATURE OF COMPLAINT, DECISION AND COMMENT
				<p>Decision: Proposed local resolution involving apology for inappropriate comments only.</p> <p>Comment: The proposed local resolution was rejected by the Parish Councillor who subsequently resigned on a matter of principle; no further action was therefore taken.</p>