

Rother District Council

Report to:	Audit and Standards Committee
Date:	20 June 2022
Title:	Code of Conduct Complaints Monitoring and Other Standards Matters
Report of:	Lorna Ford, 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 December 2021.
Officer	
Recommendation(s):	It be RESOLVED : That the report be noted.

Introduction

1. This routine report sets out details of the complaints received since the Committee's last meeting held in December 2021 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 arising since the Committee's last meeting.

Complaints Received

2. Since the last meeting there have been six (08,10,11,12,13 and 01/22) new Code of Conduct (CoC) complaints made against one District Councillors and five Parish Councillors; of the six cases, four were dismissed and two were referred for investigation. Save for case C21-12, 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 one (or both) of the Council's Independent Persons (IP) was sought and concurred with the proposed action in each case; brief details of each case are provided at Appendix 1.
3. Since October last year, the Council has dealt with five complaints (one reported in December) all originating from Northiam Parish Council (NPC) in connection with NPC's purchase of St. Francis Fields (former Blue Cross site), its current and future use and its management by a Community Interest Company.
4. Following the conclusion of C21-12, which resulted in a finding of a breach of NPC's Code of Conduct by Parish Councillor Streatfeild, the Monitoring Officer has determined that no more complaints will be entertained from any NPC Councillor or member of the public concerning this matter. The cost of the investigation into these complaints was £10,000, a cost that has to be met by Rother District Council (RDC).
5. In the interests of efficiency and desire to conclude these matters, the Monitoring Officer has concluded the complaint by referral to the Parish Council for local resolution, without a local hearing. The outcome of the complaint was

shared with all complainants and the Chair of the Parish Council, recommending that training and mediation (if agreeable to all sides) be provided, at the expense of the Parish Council. It is unlikely, given the polarised opinions on this matter, that there would be agreement to any proposed local resolution.

6. Following the release of the report and findings the Chair of the Parish Council made the contents known at a Parish Meeting that had been called by Councillor Streatfeild, following which he left the meeting. The decision to purchase the former Blue Cross site was one made by NPC some time ago and the resulting unrest are matters that the Parish alone can resolve.
7. Following the decision at the last meeting, the Council's procedure for dealing with Subject Members who refuse to cooperate with suggested local resolution requests has been strengthened. The Council's arrangements for dealing with complaints against elected Members now includes the provision for the Monitoring Officer, in consultation with one of the Independent Persons, to refer a complaint for investigation, in appropriate cases, as well as sending a letter from the Chair of the Audit and Standards Committee, which will be made publicly available.
8. During this time, I have also received two non-valid complaints against two District Councillors for alleged poor performance as a Councillor. Alleged poor performance (not being able to resolve a constituent's issue to their satisfaction or calling in a planning application that they were not aware of after it had been determined unfavourably, as far as the complainant was concerned) as opposed to conduct, is not a matter that can be considered as a Code of Conduct complaint. The issues raised by the first complainant were forwarded on to the relevant officers within the Council to respond direct to the complainant and the second complaint was subject to a further complaint against a planning officer and RDC in general regarding the processing of the planning application.

Other Standards Matters

Training

9. The Monitoring Officer and Deputy held a session on the Code of Conduct and complaints procedures for the newly established Bexhill-on-Sea Town Council on 20 April 2022. The session was well attended by Members of the Town Council and well received.
10. The Local Government Association (LGA) guidance on their model Councillor Code of Conduct was promoted to all Councillors and Parish Clerks following the last meeting.
11. No other formal training has taken place since the last meeting, however the Independent Persons are keen to see that training is provided to the town and parishes across the district and this will be considered in the coming 12 months.

Risk Management

12. 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

13. The Committee is asked to consider the report and agree any additional recommendations as appropriate.

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
Risk Management	No	Exempt from publication	No

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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
C21-08	23/12/2021	Northiam Parish Councillor	Northiam Parish Councillor	<p>Complaint: An allegation of bringing the office or authority into disrepute and attempting to use position improperly to confer on or secure an advantage or disadvantage by failing to manage a local issue, sanctioning the circulation of misleading and one-sided minutes and taking no action over social media posts.</p> <p>Decision: Dismissed.</p> <p>Outcome / Comment: This complaint is concerning the alleged lack / poor performance (process of performing a function) of the Subject Member, not the conduct (the way they behave). This complaint is a continuation of the turbulent period prevailing at NPC.</p>
C21-10	17/01/22	Rother District Councillor	Rother District Councillor	<p>Complaint: A third-party allegation of bringing the office or authority into disrepute by making alleged untruthful statements in a formal committee meeting to completely mislead Councillors and other listeners.</p> <p>Decision: Dismissed.</p> <p>Outcome / Comment: There was no intention on the part of the Subject Member to deliberately mislead Councillors or other listeners; contact had been made between relevant parties and resolved any misunderstandings prior to the complaint being submitted.</p>
C21-11	20/01/22 31/01/22 01/02/22 & 23/02/22	Two Northiam Parish Councillors, two former Northiam Parish Councillors and	Councillor Jon Streatfeild, Northiam Parish Councillor	<p>Complaint: The publication of an open letter on several social media sites which contains inaccurate information, allegations and assertions against the four complainants. Specifically a failure to treat others with respect; disclosing confidential information; bringing office or authority into disrepute.</p>

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		Members of a CIC (P Sargent, Cllr Schlesinger, J Harding and Cllr Biggs)		Decision: Referred for an external investigation. Outcome / Comment: The Investigating Officer found the NPC Code of Conduct had been breached by Councillor Streatfeild in relation to Section 3 (1) of the Code of Conduct due to the contents of the “open letter” which showed a lack of respect, brought NPC into disrepute and published confidential information.
C21-12	22/02/22	Member of the public (lease holder of land in ownership of the Parish Council)	Northiam Parish Councillors	Complaint: That the Subject Members bullied and harassed the lease holder of the land under the ownership of the Parish Council for future use. Decision: Referred for an external investigation. Outcome / Comment: There was no evidence to substantiate the allegation and the complaint was dismissed.
C21-13	18/04/22	Member of the public	Guestling Parish Council	Complaint: That the Subject Member showed a lack of respect to attendees whilst chairing a public meeting. Decision: Dismissed, with a recommendation. Outcome / Comment: The facts of the local issue that had given rise to the incident at the meeting had been misrepresented and had stirred up local anxious feelings. Facts were confirmed to the complainant. Whilst not considered serious enough to warrant any other action, the Subject Member was invited to reflect on conduct at the meeting and referred to the LGA’s guidance on respect and interaction with the public.
C22-01	23/05/22	Bexhill Town Councillor	Bexhill Town Councillor	Complaint: That the Subject Member referred to the existence of a live complaint made by the complainant in a public meeting.

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				<p>Decision: Dismissed, with a recommendation.</p> <p>Outcome / Comment: Whilst it was unfortunate, the details of the complaint and against whom it had been made were not disclosed. The Subject Member was advised to be more mindful in future.</p>