

## Rother District Council

<b>Report to:</b>	Audit and Standards Committee
<b>Date:</b>	5 December 2022
<b>Title:</b>	Code of Conduct Complaints Monitoring and Other Standards Matters
<b>Report of:</b>	Lorna Ford, Monitoring Officer
<b>Purpose of Report:</b>	To receive an update on the number of complaints received and processed and other standards related matters since the last report in June 2022.
<b>Officer Recommendation(s):</b>	It be <b>RESOLVED</b> : That the report be noted.

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### Introduction

1. This routine report sets out details of the complaints received and processed since the Committee's last meeting held in June 2022 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 12 new Code of Conduct (CoC) complaints concerning six District Councillors and eight Parish Councillors; of the 14 cases, three were dismissed (C22-06, C22-07, C22-09), two were referred for investigation, one of which was found to have breached the local authority's code (C22-04(1)), the other there was no finding of a breach (C22-04(2)), one attempted local resolution that was not successful which ended up being dismissed (C22-01) and eight other local resolutions involving apologies, training and consultancy (C22-03, C22-05, C22-08, C22-11(a)(b)(c), C22-12, C22-13). 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. During this time, I have also received two non-valid complaints against 1) a Rother District Councillor for sharing the details of a press release, issued by the Council, concerning a successful planning enforcement prosecution, on a local neighbourhood social media site and 2) governance issues relating to a currently dysfunctional parish council from where the last five complaints have all originated. A complaint regarding the actions of a Parish Clerk was also received and the complainant was advised to contact the Parish in question.

### Other Standards Matters

#### Training

4. The Independent Persons (IPs) attended a remote conference for Independent Persons on 29 June 2022 and met with the Monitoring Officer (MO) and Deputy to consider the feedback and any proposed resulting change in practice. As a

result of these discussions it is considered necessary to make some minor amendments to the “Arrangements for dealing with Member Complaints” document found elsewhere on this Agenda to clarify the role of the IPs when speaking to Subject Members.

5. The MO and Deputy have also attended two remote training sessions, the first in July organised by Lawyers in Local Government and the second, the Annual Standards Conference for MOs organised by Hoey Ainscough Associates in November. Issues included:
  - When the code applies
  - Disrespect versus free speech
  - Registration and disclosure of DPIs
  - Sanctions / enforcement of high ethical standards
  - Working with town and parish councils
6. Two training sessions based on the Local Government Association’s (LGA) Model Code of Conduct have taken place remotely specifically targeted at parish and town councils (P&TCs). The sessions took place on 3 and 7 November and in total 24 P&T Councillors attended and 7 Clerks / Deputy Clerks from 12 different P&TCs. This is a little disappointing given that there are approximately 274 P&T Councillors across the district and the attendance represents just 8%.
7. These sessions focused on the LGA’s Model Code of Conduct, which although the majority of P&TCs have not adopted this code, the principles and standards of behaviour are those expected of all Councillors and provided a helpful framework for the sessions. Feedback was invited and this proved to be positive, with suggestions for future sessions including declarations of interest and the complaints process. One parish council has also decided to consider adopting the LGA Model Code at its next meeting.
8. Given the proximity to the District Council elections in May, it is considered appropriate to wait until the elections have taken place and then run a session for District Councillors, as part of the general induction programme. Whilst the P&TCs are also up for re-election in May 2023, there tends to be less churn at this level and there has been a noticeable increase in the number of complaints arising from the P&TCs of late.

## **Risk Management**

9. 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**

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

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

Deputy Chief Executive:	Lorna Ford, Deputy Chief Executive and Monitoring Officer
Report Contact Officer:	Lisa Cooper, Democratic Services Manager and Deputy Monitoring Officer
e-mail address:	<a href="mailto:lisa.cooper@rother.gov.uk">lisa.cooper@rother.gov.uk</a>
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
C22-02-01  C22-02-02	27/05/22	Member of the public	Rother District Councillor	<p><b>Complaint:</b> That during an Annual Parish Assembly meeting the District Councillor disclosed personal information regarding the residential status of the complainant with reference to the electoral register. There was no formal breach of GDPR or data protection in this case.</p> <p><b>Decision:</b> Attempted local resolution (apology) / dismissed.</p> <p><b>Outcome / Comment:</b> The facts of the incident were disputed by both parties, however, the allegations were not serious enough to warrant an investigation. An apology was sent, which was not accepted by the complainant, who submitted a further complaint. Despite one of the Council's IPs meeting both parties, there was no satisfactory outcome to this complaint on either side.</p>
C22-03	31/05/22	Member of the public	Rother District Councillor	<p><b>Complaint:</b> That the Subject Member attempted to use their position inappropriately and made the complainant feel intimidated.</p> <p><b>Decision:</b> Local Resolution; written apology.</p> <p><b>Outcome / Comment:</b> The Subject Member wrote to all relevant parties that they had contacted, apologising for the direct contact.</p>
C22-04 (1)	9/06/22 & 12/06/22	Two Bexhill-on-Sea Town Councillors	Councillor S. Blagrove, Bexhill Town Councillor	<p><b>Complaint:</b> That the Subject Member bullied, harassed, intimidated and showed a lack of respect to the Town Clerk.</p> <p><b>Decision:</b> Referred for external investigation and found to have breached the Code of Conduct.</p> <p><b>Outcome / Comment:</b> Following the outcome of the investigation Councillor Blagrove resigned as a Bexhill Town Councillor, therefore no further action was taken.</p>

REF	DATE RECEIVED	COMPLAINANT	SUBJECT MEMBER	NATURE OF COMPLAINT, DECISION AND COMMENT
C22-04 (2)	9/06/22 & 12/06/22	Two Bexhill-on-Sea Town Councillors	Bexhill-on-Sea Town Councillor	<p><b>Complaint:</b> That the Subject Member bullied, harassed, intimidated and showed a lack of respect to the Town Clerk.</p> <p><b>Decision:</b> Referred for an external investigation.</p> <p><b>Outcome / Comment:</b> No finding of a breach of the Code of Conduct but advised regarding future conduct and behaviour.</p>
C22-05	29/07/22	Local authority officer	Parish Councillor	<p><b>Complaint:</b> The Subject Member attended the officer's home address to raise concerns over reports of an animal in distress and the management of a countryside park and was allegedly intimidating and aggressive.</p> <p><b>Decision:</b> Local Resolution; written apology, requirement to attend training.</p> <p><b>Outcome / Comment:</b> The Subject Member apologised for attending the officer's home address and agreed not to do so in the future. The apology was accepted by the complainant. The Subject Member also attended the remote training session on the Code of Conduct on 3 November 2022.</p>
C22-06	09/08/22 (1) 12/08/22 (2)	Parish Council (1) Member of the public (2)	Rother District Councillor	<p><b>Complaint:</b> That the Subject Member used their position whilst chairing a committee meeting to confer on or secure for a fellow Councillor an advantage and did not declare an interest in the matter.</p> <p><b>Decision:</b> Dismissed.</p> <p><b>Outcome / Comment:</b> There was no evidence of the allegations and the Subject Member had received advice and carefully considered their position prior to the meeting.</p>

REF	DATE RECEIVED	COMPLAINANT	SUBJECT MEMBER	NATURE OF COMPLAINT, DECISION AND COMMENT
C22-07	09/08/22	Parish Council	Rother District Councillor	<p><b>Complaint:</b> That the Subject Member was predetermined at a Planning Committee meeting evidenced by reading from a prepared script during the consideration of a planning application.</p> <p><b>Decision:</b> Dismissed; advice.</p> <p><b>Outcome / Comment:</b> The Subject Member had prepared notes on the application as part of their usual preparation for Planning Committee meetings. A copy of the notes was not provided and the Member assured the Deputy Monitoring Officer (DMO) that they had not been predetermined. Advice given with regards to future meetings and perceptions.</p>
C22-08	09/08/22	Parish Council	Rother District Councillor	<p><b>Complaint:</b> That the Subject Member was predetermined at a Planning Committee meeting evidenced by reading from a prepared script during the consideration of a planning application.</p> <p><b>Decision:</b> Local Resolution; training.</p> <p><b>Outcome / Comment:</b> The Subject Member had prepared a written script and whilst assured the DMO that they were not predetermined, acknowledged that the perception may have been different. A copy of the script was provided which corroborated what was verbalised at the meeting. The Subject Member was happy to accept further training and guidance on predetermination and planning matters having only served on the Committee for just over a year.</p>
C22-09	30/08/22	Member of the public	Rother District Councillor	<p><b>Complaint:</b> That the Subject Member addressed a meeting of the Planning Committee as the applicant despite having a Disclosable Pecuniary Interest (DPI), which under the Council's Code of Conduct was prohibited.</p> <p><b>Decision:</b> Dismissed.</p>

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				<p><b>Outcome / Comment:</b> This was an unfortunate misinterpretation of the Code of Conduct by officers and a failure to recognise that the Member should not have been permitted to address the Planning Committee with a DPI. It was felt in this case that the SM was not given the correct advice by officers and was not entirely to blame for their attendance and speaking at the committee meeting.</p>
C22-11	18/11/22	Parish Clerk	Parish Councillor x3 (a) (b) and (c)	<p><b>Complaint:</b> Allegations of disrespect, bullying, disrepute and potential non-declaration of interests.</p> <p><b>Decision:</b> This Parish Council is currently dysfunctional with frequent complaints and resignations of Chairs and Parish Clerks. Following the receipt of this and the following two complaints (C22-12 and C22-13) a local resolution in the form of outside consultancy has been commissioned by Rother District Council to assist the Parish Council in resolving their local issues and moving forward in the interests of the community which they serve. It is hoped that a funding contribution to the consultancy will be agreed by the Parish Council.</p> <p><b>Outcome / Comment:</b> The outside consultancy has commenced work and will look to conclude by the end of March 2023.</p>
C22-12	27/10/22	Parish Councillor (A)	Parish Councillor (Chair)	<p><b>Complaint:</b> Allegations of disrespect, disrepute and attempting to use position improperly.</p> <p><b>Decision:</b> As above for C22-11.</p> <p><b>Outcome / Comment:</b> The outside consultancy has commenced work and will look to conclude by the end of March 2023.</p>
C22-13	27/10/22	Parish Councillor	Parish Councillor (A)	<p><b>Complaint:</b> Allegations of disrespect, bullying and disrepute.</p>

REF	DATE RECEIVED	COMPLAINANT	SUBJECT MEMBER	NATURE OF COMPLAINT, DECISION AND COMMENT
		(Chair)		<p><b>Decision:</b> As above for C22-11.</p> <p><b>Outcome / Comment:</b> The outside consultancy has commenced work and will look to conclude by the end of March 2023.</p>