

## Rother District Council

<b>Report to:</b>	Audit and Standards Committee
<b>Date:</b>	19 June 2023
<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 December 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 December 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 six new Code of Conduct (CoC) complaints concerning one District Councillor (involving two complaints) and four Parish Councillors; of the six cases, one was dismissed (C22-16), four other local resolutions involving apologies, facilitated meetings, advice and guidance and consultancy (C22-14, C22-15, C22-17, C22-18) and one refusal to co-operate with requested local resolution (C22-19) which was not resolved. 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. There are two further cases that are outstanding (C22-10 and C22-10B) which were referred for investigation last year, concerning a District Councillor. The outcome of which is still awaited and until such times as the final report has been received, no further details will be disclosed.
4. During this time, I have also received three non-valid complaints against three Rother District Councillors for actions undertaken in their private lives and not whilst conducting the business of the authority.

### Northiam Parish Council Update

5. Following a number of complaints originating from Northiam Parish Council (NPC), it was advised at the December meeting that Rother District Council had commissioned external consultants to work with NPC and work through the issues that were currently giving rise to the copious complaints. The first phase of the consultancy took place earlier this year and the Monitoring and Deputy

Monitoring Officer attended a meeting at NPC on 1 March 2023 where the preliminary findings were presented by the consultants. NPC received the preliminary findings in a positive and constructive manner, with all good intentions to work together post the elections for the benefit of the community they serve.

6. The timetable for the work was unfortunately delayed due to the timing and outcome of the elections. The final report was sent to the Parish Council on 22 May with the expectation that the report is discussed in full by the Parish Council and made available on their website and a plan developed to implement its recommendations.
7. A full update, including a copy of the report and NPC's resulting plan will be reported to this Committee later in the year. The report is considered extremely comprehensive and it is hoped that this provides the new NPC a framework within which to move forward.
8. The cost of the consultancy was £9,960 which was met by Rother District Council, with NPC paying the consultant's expenses of £2,342.52.

## **Other Standards Matters**

### New Code of Conduct

9. Following this Committee's endorsement and subsequent approval by full Council at its meeting held on 24 May 2023, the Council has now adopted a new Code of Conduct, based on the Local Government Association's (LGA) model. It is considered that the new Code is easier to understand and interpret, by officers, Members and the public, and is accompanied by training resources, provided by the LGA.

### Training

10. Rose Durban, one of our Independent Persons (IPs), attended an in-person conference for IPs on 19 April 2023 in London and is due to meet with the Monitoring Officer (MO) and Deputy to consider the feedback and any proposed resulting change in practice. The session covered the role of IPs, best practice in case handling and understanding the difficult areas.
11. As this is an election year, there are several standards related training sessions within the Induction Programme, the first one being held just prior to this meeting concerning the Code of Conduct and Complaints Procedures for Members of the Committee only. There is also a session on the Code of Conduct for all Members on 3 July 2023.

## **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.

<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, Interim 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
C22-14	17/11/22	Member of the public	Parish Councillor	<p><b>Complaint:</b> Allegation of total lack of respect shown to the Clerk, Chair and residents at a recent council meeting.</p> <p><b>Decision:</b> Local Resolution – initially the Parish Councillor was requested to apologise for the actions that gave rise to this complaint. This was not accepted by the Subject Member, and it was therefore agreed to resolve this complaint as part of the consultancy work already commissioned. The Subject Member has subsequently resigned from being a Parish Councillor and did not seek re-election in May this year.</p> <p><b>Outcome / Comment:</b> The outside consultancy has commenced work and will look to conclude in May 2023, after the local elections.</p>
C22-15	1(1) and 5(2)/12/22	Parish Councillor (1) and member of the public (2)	Town Councillor	<p><b>Complaint:</b> Failing to register and declare a personal and prejudicial interest when taking part in the discussion and vote for a grant to an organisation of which they were a Member; failing to declare interest on their Register of Interests.</p> <p><b>Decision:</b> Local Resolution – other action.</p> <p><b>Outcome / Comment:</b> The Councillor did not benefit personally from the decision, they took steps after the incident to update their Register of Interests and take advice concerning interests. Erroneous minutes of the meeting were subsequently corrected.</p>
C22-16	12/12/22	Member of the public	Town Councillor	<p><b>Complaint:</b> Mis-use of confidential information to question the complainant on social media as to whether they were considering standing as a Town Councillor to fill a casual vacancy and that this scuppered the complainants' quest to be co-opted.</p> <p><b>Decision:</b> Complaint dismissed.</p>

REF	DATE RECEIVED	COMPLAINANT	SUBJECT MEMBER	NATURE OF COMPLAINT, DECISION AND COMMENT
				<b>Outcome / Comment:</b> There had been no disclosure of confidential information, the complaint was trivial and had an element of political motivation.
C22-17	21/12/22	Member of the public (business owner)	Rother District Councillor	<p><b>Complaint:</b> The Councillor shared a social media post and question a business owner as to whether they had supported a local Christmas event.</p> <p><b>Decision:</b> Local Resolution – other action.</p> <p><b>Outcome / Comment:</b> The Complainant and the Subject Member attended a facilitated meeting held with one of the Independent Persons and resolved the complaint.</p>
C22-18	15-16-17/01/23 27/01/23	4 members of the public	Town Councillor	<p><b>Complaint:</b> Inappropriate “pun” made on a social media discussion; alleged lack of respect and bullying during social media debating / interactions with local residents.</p> <p><b>Decision:</b> Local Resolution – other action.</p> <p><b>Outcome / Comment:</b> The Subject Member provided a sincere apology to the main complainant and received further guidance and support concerning the use of social media.</p>
C22-19	13/02/23	Member of the public	Rother District Council	<p><b>Complaint:</b> Alleged lack of respect on social media with local resident.</p> <p><b>Decision:</b> Local Resolution – other action.</p> <p><b>Outcome / Comment:</b> The Subject Member refused to provide an apology to the complainant and offered a face to face meeting which was declined by the complainant. The Subject Member did attend a briefing session on the use of social media.</p>