

Rother District Council

Report to:	Audit and Standards Committee
Date:	4 December 2023
Title:	Code of Conduct Complaints Monitoring and Other Standards Matters
Report of:	Linda Walker, Interim 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 2023.
Officer Recommendation(s):	It be RESOLVED : That the report be noted.

Introduction

1. This regular six-monthly report sets out details of the complaints received and processed since the Committee's last meeting held in June 2023 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.
2. Since that time the Council has appointed a new Interim Monitoring Officer, Linda Walker.

Complaints Received

3. Since the last meeting, 11 Code of Conduct (CoC) complaints concerning six District Councillors and eight Parish Councillors have been considered and concluded; of the 11 cases, seven were dismissed (C23-01, C23-02, C23-03, C23-06, C23-10, C23-12 and C13-14) and three other local resolutions involving training, mediation and an offer of a facilitated meeting which was declined by the complainant (C23-04, C23-05, C23-08 and C23-09). The view of one (or both) of the Council's Independent Persons (IPs) was sought and concurred with the proposed action in each case; brief details of each case are provided at Appendix 1.
4. With regard to the two outstanding complaints from 2022/23 (C22-10/C22-10B) it is confirmed that complaint C22-10 has been dismissed and C22-10B has been discontinued and are subject to a confidential report circulated separately to Members.
5. During this time, two non-valid complaints against one Rother District Councillor and one Parish Councillor have also been received; one complaint against a District Councillor was a noise complaint and the other one was for actions undertaken in their private life and not whilst conducting the business of the authority.

Northiam Parish Council Update

6. As Members may recall, following a number of complaints originating from Northiam Parish Council (NPC), Rother District Council (RDC) commissioned external consultants to work with NPC and work through the issues that had given rise to the complaints.
7. A copy of the consultant's full report into the issues prevailing within Northiam Parish Council during the last term of office is attached at Appendix 2. As can be seen, a total of 41 recommendations were made, with recommendation 40 requiring NPC to report to RDC on progress after six months and again in 12 months.
8. NPC have provided a copy of their Action Plan (as at November 2023) as a result of this consultancy and this has been circulated as confidential Appendix 3 to this report, as it is not in the public domain.
9. It is further noted that recommendation 41 states that if the new Council is still not operating effectively and relationships have not improved after the 12-month review, RDC should consider a full review of the viability of the Council continuing.
10. It should be noted that since the May elections, five complaints against Northiam Parish Councillors have been submitted by three members of the public, two of whom were previous Parish Councillors.

Other Standards Matters

11. Following the appointment of the new Interim Monitoring Officer, a review will be undertaken of the Council's arrangements / protocols and procedures for dealing with Member complaints in due course. Suggested improvements will be brought to a future meeting to consider and recommend to Council.
12. The following points were made by a former Councillor through their exit questionnaire which will be fed into the review:
 - Changes must be made to the Complaints Procedure to ensure Members receive the actual complaint when it is made, that the complaint is dated (currently the form is not) and that it must have all evidence for a complaint when the complaint is made for the complaint to be considered at all.
13. It is noted that most complaints are now received by email, via the on-line complaints form and the standard (hard copy) complaints form is not completed; however, a date field has now been added to the standard complaint form, should this be completed by complainants and returned either in hard copy or email format.

Training

14. Following the elections in May, a hybrid training session on the Code of Conduct for all Rother District Councillors was held on 3 July 2023 at which 23 Members attended. Training sessions have also been held on the differing roles of Members and officers and Equalities, Diversity and Inclusion, issues that have given rise to Member complaints.

Risk Management

15. 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

16. 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	Yes	Exempt from publication	No

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Appendices:	Appendix 1 – Member Complaints Summary Appendix 2 – Northiam PC Consultancy Report CONFIDENTIAL Appendix 3 – Northiam PC Action Plan
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
C23-01	25/05/23	Member of the public	Town Councillor	<p>Complaint: Alleged lack of respect on social media with local resident.</p> <p>Decision: Dismissed.</p> <p>Outcome / Comment: History of poor relationship between the two parties; conduct considered to be in private life with no connection to Council business. Complainant had already made Sussex Police aware.</p>
C23-02 (2)	08/06/23	Members of the public (x2)	Parish Councillor (Chairman)	<p>Complaint: Alleged lack of respect in written correspondence between parties concerning budget setting, level of pre-cept, Clerk's remuneration and terms and conditions of employment amongst other matters.</p> <p>Decision: Dismissed.</p> <p>Outcome / Comment: Conduct not considered sufficient for further action, matters of concern mostly matters for the parish council, rather than the individual Parish Councillor who is the Chairman of the Parish Council.</p>
C23-03	16/06/23	Member of the public	Town Councillor	<p>Complaint: Alleged falsehoods on social media concerning local resident and status of former company.</p> <p>Decision: Dismissed.</p> <p>Outcome / Comment: Conduct considered to be in private life with no connection to Council business.</p>
C23-04	26/06/23	District Councillor	District Councillor	<p>Complaint: Alleged lack of respect and inappropriate comments made at a committee meeting indicating a lack of respect and</p>

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				<p>potential discriminatory remarks.</p> <p>Decision: Proposed local resolution to attend Equalities, Diversity and Inclusion (EDI) training in October.</p> <p>Outcome / Comment: Subject Member had attended Code of Conduct training after the incident and attended EDI training on own volition, not as part of the proposed local resolution; SM felt aggrieved at the complaint and felt comments had been taken out of context.</p>
C23-05	26/06/23	District Councillor	District Councillor	<p>Complaint: Alleged lack of respect shown to officers and Chair at a committee meeting and potential discriminatory remarks.</p> <p>Decision: Proposed local resolution to attend Equalities, Diversity and Inclusion (EDI) training in October.</p> <p>Outcome / Comment: Subject Member had attended Code of Conduct training after the incident and attended EDI training on own volition, not as part of the proposed local resolution.</p>
C23-06	17/06/23 27/06/23 (confirmed)	Member of the public	District Councillor	<p>Complaint: Allegation of disrespect during a neighbourhood dispute confrontation.</p> <p>Decision: Dismissed.</p> <p>Outcome / Comment: Conduct considered to be in private life with no connection to Council business.</p>
C23-08	01/08/23	Member of the public	District Councillor	<p>Complaint: Allegation of disrespect during a radio interview towards the disabled community.</p>

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				<p>Decision: Proposed local resolution in the form of a formal written apology, offer of face-to-face meeting and Member attendance at training.</p> <p>Outcome / Comment: Local resolution not accepted by the complainant. No further action. District Councillor attended the EDI training in October.</p>
C23-09	03/08/23	Town Councillor	Town Councillor (x2)	<p>Complaint: Stating falsehoods about the complainant at Council meetings concerning private social media postings and bringing the Council into disrepute and misuse of position.</p> <p>Decision: Local resolution in the form of mediation.</p> <p>Outcome / Comment: Mediation has taken place and all parties to the complaint have agreed to be courteous and respectful to each other going forward.</p>
C23-10	08/08/23	Member of the public	Parish Councillor	<p>Complaint: Allegation of disrespect within an email exchange sent to the complainant in error.</p> <p>Decision: Dismissed.</p> <p>Outcome / Comment: Subject Member had already apologised to the complainant for the mis-judged comment and emoji within an email sent to the complainant by the Subject Member in error.</p>
C23-12	22/09/23	Member of the public	Parish Councillors (x2)	<p>Complaint: Failure to declare interests at Parish Council meetings.</p> <p>Decision: Dismissed.</p> <p>Outcome / Comment: Subject Members had no interests to declare.</p>

REF	DATE RECEIVED	COMPLAINANT	SUBJECT MEMBER	NATURE OF COMPLAINT, DECISION AND COMMENT
C23-14	23/10/23	Parish Councillor	District Councillor	<p>Complaint: Suggestion of group “whipping” made by a Member of the Planning Committee after a recent meeting.</p> <p>Decision: Dismissed.</p> <p>Outcome / Comment: Group Leader assurance that whipping did not take place on the Planning Committee and all planning applications considered on merits.</p>