

## CONDUCT COMMITTEE

7 February 2023

### REPORT ON MEMBER CONDUCT COMPLAINTS RECEIVED

Report of the Director for Legal and Governance

Strategic Aim:	All	
Exempt Information	Appendix 1 - contains exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to any individual	
Cabinet Member(s) Responsible:	N/A	
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Ward Councillors	N/A	

#### DECISION RECOMMENDATIONS

That the Committee notes the report.

#### 1 PURPOSE OF THE REPORT

- 1.1 To report on the complaints received by the Monitoring Officer for the period 1/04/22-13/01/23

#### 2 BACKGROUND

- 2.1 The Council's Conduct Committee has an important role in relation to Member Code of Conduct complaints both for Rutland County Council and for parish and town councils.
- 2.2 Rutland County Council resolved to adopt the Local Government Association Model Councillor Code of Conduct and amended Arrangements for Dealing with Member Conduct Complaints in April 2022.
- 2.3 It was agreed by the Conduct Committee on 22 March 2022 that the Monitoring

Officer would submit an annual report to the Conduct Committee on the member conduct complaints received that municipal year.

- 2.4 In the period 01/04/22-13/01/23 the Monitoring officer accepted 11 complaints relating to members conduct relating to 8 different members.
- 2.5 Seven of the complaints relate to Oakham Town Councillors, two to RCC Councillors, One each to Uppingham Town Council and Stretton Parish Council.
- 2.6 There was an agreed informal resolution in relation to three of the complaints
- 2.7 Two complaints were referred to the police; there is no current update in respect of one and the police decided to take no further action in respect of the other.
- 2.8 There was no further action in relation to two of the complaints as the complaints were not made out when investigated.
- 2.9 There are currently two outstanding complaints which relate to the same member and incident.
- 2.10 The Monitoring Officer received two complaints from Oakham Town Councillors about each other on 11<sup>th</sup> January 2023. The Independent Person's view is currently being sought about them.
- 2.11 The Monitoring Officer was mindful that the majority of complaints related to parish and town councillors and agreed to fund training for parish clerks delivered by LRALC. Unfortunately, the take up for the training was relatively low.

### **3 CONSULTATION**

The Independent Person is consulted in relation to all member conduct complaints, accepted by the Monitoring Officer.

### **4 ALTERNATIVE OPTIONS**

It is beneficial to the Conduct Committee to have formal oversight of the member conduct complaints received by the Monitoring Officer and no alternative is proposed.

### **5 FINANCIAL IMPLICATIONS**

- 5.1 The Council has a small budget for Standards matters.
- 5.2 Where a member conduct complaint required investigating in the municipal year 2021/2, the investigation was undertaken by an external solicitor, at significant cost. With the development of the in-house legal service, this work will be undertaken internally unless there are particular reasons for the matter to be outsourced. To date there has been no external spend on the member standards budget in the year 2022/3. The officers carrying out the work will start to be time recorded so that there is an accurate picture of the cost even when there is no external spend.
- 5.3 There is a separate budget for training for RCC Members.

### **6 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 6.1 Section 27(2) of the Localism Act 2011 places a duty on relevant authorities to ensure their members and co-opted members maintain high standards of conduct and requires such authorities to adopt a code of conduct for their members.
- 6.2 Section 28(2) requires a relevant authority to adopt a code whose contents must be consistent with the seven 'Nolan' principles of standards in public life to promote and maintain high standards of conduct by members.
- 6.3 Section 28(6) requires the Council to adopt arrangements for dealing with member code of conduct complaints for its own councillors and those of the parish and town councils within its area. The current arrangements were adopted by Council in April 2022.

## **7 DATA PROTECTION IMPLICATIONS**

A Data Protection Impact Assessments (DPIA) has not been completed

## **8 EQUALITY IMPACT ASSESSMENT**

An Equality Impact Assessment (EqIA) has not been completed.

## **9 BACKGROUND PAPERS**

- 9.1 There are no background papers to the report.

## **10 APPENDICES**

- 10.1 Appendix 1: Log of Member Complaints (Exempt)

**A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.**