

Joint Audit and Governance Committee



Report of Vivien Williams, Monitoring Officer (interim)
 Author: Steven Corrigan
 Telephone: 07773 302122
 E-mail: Vivien.williams@southandvale.gov.uk

DATE: 9 July 2024

Annual Report on the Councillors’ Code of Conduct Complaints for 2023-24

Recommendation

To note the annual report on the councillors’ Code of Conduct for the 2023-24 municipal year.

Implications (further detail within the report)	Financial	Legal	Climate and Ecological	Equality and diversity
	Yes	Yes	No	No
Signing off officer	M Xu	V Williams	H Saunders	Equalities Team

Purpose of Report

1. This report provides a summary of the complaints determined in the 2023-24 municipal year which were made against district and parish councillors for alleged breaches of the Code of Conduct.

Corporate Objectives

2. High standards of conduct underpin all of the councils’ work and the achievement of both councils’ corporate objectives.

Background

3. District and parish councils have responsibility for promoting and maintaining standards in public life. The Monitoring Officer is responsible for dealing with

allegations that councillors have failed to comply with the members' Code of Conduct in accordance with the arrangements adopted by Council.

4. All councils must adopt a code of conduct dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity. At its meeting on 29 March 2022 this committee recommended the adoption of a revised Oxfordshire Code of Conduct based on the Local Government Association (LGA) Model Code. The revised Code provides for definitions of bullying and harassment, a requirement to treat other councillors, officers and members of the public with respect and includes other "registrable" interests and non-registrable interests. The Code has been adopted by all of the district councils and the county council. All the parish councils across both districts were recommended to adopt the revised Code.
5. All codes of conduct must be underpinned by the seven principles of public life, or "Nolan" principles, which are:
 - Selflessness
 - Integrity
 - Objectivity
 - Accountability
 - Openness
 - Honesty
 - Leadership.
6. At its meeting on 30 November 2021 this committee agreed revised arrangements for investigating complaints under the Code of Conduct to replace those in existence since March 2016. The revised arrangements were subsequently agreed by each Council and provide a detailed description of the process for the consideration of allegations of a breach of the Code, manage expectations for the public and councillors in respect of how complaints will be dealt with, include provision for an informal resolution of complaints where there is a breach of the Code, but which is not considered serious enough to investigate, and introduced a Public Interest Test. These arrangements for dealing with complaints, which introduced an element of rigour to the process, continue to enable the Monitoring Officer to robustly deal with complaints at an early stage. The schedule attached, shows a number of submitted complaints dealt with at stage one. The more detailed explanation set out in the revised arrangements reduces the submission of potential complaints which are really reflective of an interpersonal dispute or issues in respect of the decision-making process at a parish council. The Monitoring Officer continues to reject complaints in circumstances where the subject of the complaint was not acting in an official capacity.
7. Although the councils have the responsibility for maintaining these standards, there are currently very limited options in terms of sanctions. This, together with the cost of investigating complaints and the fact that a number of parish complaints are generally interpersonal disputes between councillors means that the Monitoring Officer will seek to resolve complaints informally where possible and appropriate. Examples of where this has occurred are also set out in the schedule attached.

8. All councillors should be encouraged to play an active role and take responsibility for promoting high standards of conduct. Training on the new Code was provided for district councillors in June 2022, parish clerks in August 2022 and parish councillors in September and October 2022. Prior to the elections in May 2023 the monitoring officer delivered training on local authority publicity and reputation during the pre-election period (formerly known as purdah) primarily for those councillors standing for election. Further Code of Conduct training was delivered to district councillors as part of their induction training programme on 25 May 2023 and to parish clerks and councillors on 15 June 2023. Decision Making Training was delivered to district councillors on 30 May 2023.
9. Administering the complaints process is a high resource activity and therefore parish councils are encouraged to make every effort to reduce complaints arising in the first instance. Officers seek to deal with complaints in a pragmatic way and this includes:
 - giving advice to councillors / clerks to seek to enable them to resolve their own difficulties or to use an alternative form of dispute resolution.
 - imposing a “high bar” when it comes to interpersonal disputes.
 - being clear when an issue is not a code of conduct matter and referring complainants to the relevant organisation’s complaints process or the Oxfordshire Association of Local Councils.
 - offering alternative forms of dealing with conflict such as mediation or training.
 - Where possible, alternative interventions or advice are offered before a formal complaint is received.
10. As mentioned above, much of the code of conduct work (apart from registers of interests) is done informally and consists of giving advice over the telephone or by email. Officers do not routinely record this work, but it is reasonably significant and is often valuable in avoiding more substantial problems later on.
11. The councils retain the services of six “independent persons” to assist in maintaining and promoting high ethical standards in the district councils and the parish councils in South and Vale. The role of “independent person” was created by the Localism Act 2011. The independent persons provide overview of the process and are available to advise the subject councillor and to consult with the Monitoring Officer. The six independent persons were appointed by each Council at the annual meetings in May 2021 for terms of office until May 2026. The position attracts a payment of an allowance of £583 per annum in recognition of their role. Not all Independent Persons claim the allowance.
12. Complaints submitted formally are recorded and where possible, officers require complainants to ensure that they use the pro-forma provided for that purpose.
13. The Monitoring Officer has retained the assistance of an experienced monitoring officer consultant to assist with code of conduct complaints.
14. A short summary of the formal complaints concluded in the 2023-24 municipal year is included in the appendix to this report. One complaint resulted in a referral for investigation.

Code of Conduct

15. In accordance with the provisions of the Localism Act 2011 each Council has adopted a code of conduct. The code was most recently updated by each Council in May 2022.

Register of Interests

16. All councillors and co-optees at both district and parish level, are legally required to submit a register of their interests to the Monitoring Officer which is publicly available. Following the elections in May 2023 all councillors, both newly elected or re-elected, are required to submit register of interest forms. All of these registers are signed off and published by the district council. Councillors and co-optees are also required to keep their registers up to date. The Democratic Services team receives these documents from parish clerks (on behalf of their councillors) as well as from district councillors after election / co-option. Reminders are sent for amendments to be registered.
17. There is an option for councillors / co-optees to request that their addresses and similar identifiers are removed from the public register if these are “sensitive interests”. This is where the councillor believes that disclosure of that information could lead to the member or co-opted member, or a person connected with them being subject to violence or intimidation. Over the past year the Monitoring Officer has continued to receive a number of these requests. The Monitoring Officer has taken a sympathetic approach and granted all requests in order to reduce potential risks to both the councils and to individual councillors.
18. In March 2023, the Monitoring Officer circulated a letter from the Department for levelling Up, Housing & Communities as a reminder of the position where an elected member wishes to withhold their address(es) from inclusion in their Register of Interests due to the risk of violence or intimidation.

Financial Implications

19. Code of conduct work and the administration of code of conduct complaints is met from existing budgets. As set out in paragraph 11 of this report, the independent persons are now entitled to claim an allowance. The monitoring officer continued to engage the services of external consultant/investigators during 2023-24.

Legal Implications

20. All legal implications are set out in the body of the report.

Climate and ecological impact implications

21. There are no direct climate and ecological implications arising from this report.

Equalities implications

22. This report provides statistical information for complaints processed in accordance with agreed policy and procedures. Consequently, there are no direct equality implications arising from this report.

Risks

23. If the councils fail to adopt and maintain a code of conduct and processes for the investigation of complaints, they will fail to comply with the statutory requirements. In turn, this could impact on the councils' reputation and the integrity of corporate governance and decision-making processes.
24. Using alternative methods of dispute resolution reduces the cost of dealing with formal complaints, reduces the stress impact for the complainant and subject member and often provides a more satisfactory outcome for all parties involved.

Other Implications

25. None.

Conclusion

26. This report is for the Joint Audit and Governance Committee to note and to be aware of the work of the Monitoring Officer in respect of the administration of code of conduct complaints.

Background Papers

None

APPENDIX

SOUTH

Case Reference	District or Parish	Nature of Complaint	Decision	Comments
2023/2024 MUNICIPAL YEAR				
2023.06	District	Allegations of a failure to treat people with respect, bringing the role and council into disrepute and using position improperly to the advantage or disadvantage of another person.	No further action.	No evidence that the subject member breached the code. Complainant invited to submit a corporate complaint in order that concerns could be addressed.
2023.07	Towersey Parish Council	Complaints against two members that they failed to treat everyone with respect, compromised the impartiality of the local authority and used position improperly to the advantage of disadvantage of anyone.	Rejected at stage one.	No evidence that the subject members had compromised the impartiality of anyone or used their position improperly to the disadvantage of the complainant.
2023.08	Henley Town Council	Failure to treat others with respect and failure to promote equalities and not discriminate against any person.	Rejected at stage one.	Not acting in official capacity. Recommended that the parties should seek to resolve any difficulties or misunderstandings between them in order to promote better working relations in future.
2023.09	Wallingford Town Council	Allegation of bias and predetermination in	Rejected at stage one	No evidence provided of a breach of the code and not in public interest

Agenda Item 7

		respect of a planning application.		to investigate the matter further.
2023.10	Kidmore End Parish Council	Allegation from four members of the public of failure to treat everyone with respect, bullying, harassing persons and bringing local authority into disrepute.	Informal resolution	Apology provided and subject member had resigned from position held in parish council.
2024.01	Goring on Thames Parish Council	Allegation of bullying and harassment.	No action.	Not acting in official capacity. Subject member agreed to undergo appropriate training on use of parish council facilities.

VALE

Case Reference	District or Parish	Nature of Complaint	Decision	Comments
2023/2024 MUNICIPAL YEAR				
V2023/02	Bourton Parish Council	Complaint withdrawn		
V2023/03	District	Allegation of failure to treat everyone with respect and use, attempt to use, position improperly to the advantage or disadvantage of anyone and failure to comply with general principles of code of conduct	Rejected at stage one.	No evidence to support the allegations of a breach of the code.
V2023/04	District	Allegation of provision of false information and disrespectful.	Rejected at stage one.	No evidence of a breach and not in the public interest to investigate further. Complainant submitted a corporate

Agenda Item 7

				complaint covering their grievance against the council.
V2023/05	Shrivenham Parish Council	Failure to treat everyone with respect and bringing their role and authority into disrepute	No action	No evidence of a breach and not in the public interest to undertake further investigation.
V2023/06	Botley & North Hinksey Parish Council	Allegation of bullying.	Referred for investigation.	
V2024.01	Botley & North Hinksey Parish Council	Allegation of Failure to declare an interest and exhibited bullying behaviour.	No action	<p>No evidence of an attempt to bully or harass the complainant, to compromise or attempt to compromise the impartiality of the clerk or to secure an advantage for themselves or disadvantage to the complainant.</p> <p>Recommendation that the parties resolve issues by way of mediation facilitated by a mutually agreed third party.</p>