

<b>Committee:</b>	Standards Committee	<b>Date:</b>	21 September 2022
<b>Title:</b>	Code of Conduct Complaints summary		
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## Summary

1. This report provides a summary of Code of Conduct Complaints submitted and dealt with from July 2020 to date (appendix 1).

## Recommendations

2. That Committee accept the report and consider whether to refer the report with any further recommendations to Full Council for consideration.

## Financial Implications

3. Committee are asked to note the costs at paragraph 8.7 and 8.8 below.

## Background Papers

4. None.

## Impact

- 5.

Communication/Consultation	N/A
Community Safety	N/A
Equalities	Several code of conduct complaints raised equalities issues in relation to access and assistance under the procedure. These were dealt with as part of the process of each individual complaint. The code of conduct procedure was assessed in terms of human rights and legal issues when it was first adopted, and it has been kept under review but when a decision is taken on whether to adopt the new code of conduct (the subject of a separate report to this Committee of the same date) or not, the procedure will be put through a full equality impact assessment.

Health and Safety	One complaint raised health and safety issues again dealt with as part of the individual complaint.
Human Rights/Legal Implications	Names have been redacted from the report to protect the privacy of those both making and subjected to complaints.
Sustainability	N/A
Ward-specific impacts	N/A
Workforce/Workplace	The impact on staff resources has been very high due to the large number of complaints and in particular during 2021.

## Situation

6. This Report provides a summary of the code of conduct complaints that were received and dealt with over a two year period from July 2020 to date (appendix 1). Information is not provided preceding that date due to difficulties in locating information from the legal database system and the time and resource that would be involved in order to do so. The complaints sheet is now regularly updated and will be reported on to this Committee twice a year and to Full Council annually.
7. The summary provides information on the number of complaints submitted, type of breach of the Code reported, whether the complainant/ subject of the complaint were members of the Public, Parish / Town Councillors, or Uttlesford District Councillors and the action taken on the complaint.
8. Members are asked to note the following:
  - 8.1 Over two year period thirty-seven complaints were dealt with (twenty-three of which were submitted during 2021).
  - 8.2 Of those thirty-seven, fourteen were from members of the public against Parish Councillors, seven were Parish Councillors against each other and all were comprised across just three Parish Councils in the District. Eight were from members of the public against Uttlesford Councillors and eight were complaints submitted by Uttlesford Councillors against each other. Of the eight submitted by Uttlesford Councillors against each other five of those were interrelated with one involving a Parish Councillor.
  - 8.3 Twenty two complaints were dismissed, one was an old matter out of time and three were withdrawn. In five cases, recommendations were made regarding register of interests, training and making an apology. Six complaints (some of which were interrelated) were sent out to

external investigation. One set of these concluded in a series of recommendations and the second is still under investigation.

- 8.4 Of note one complex case was successfully referred to and dealt with via external mediation and in another a facilitated discussion was conducted.
- 8.5 Members will note the substance of the complaints crossed a range of breaches with bullying and or disrespect referred to in most.
- 8.6 There were a number of complaints citing breaches of the Nolan Principle's which were dismissed as under Uttlesford Council's procedure and indeed all Codes of Conduct, breaches are assessed against specific obligations only. The Nolan Principles are the principles that guide behaviour of all in public office and inform the core "spirit" in which the code is applied. Some of these complaints were resubmitted citing the correct obligations, but in any event were dismissed.
- 8.7 The main overriding reasons for dismissal were lack of evidence of a breach submitted with the complaint and complaints were politically motivated, "tit for tat" or could be considered vexatious. In addition, a number of complaints did not meet the public interest test for progression (although some still involved behaviour that could be seen as of a less than desirable standard).
- 8.8 The two main groups of complaints that went out to external investigation in accordance with the Council's procedure were in connection with two Parish Councils in the District, involved multiple persons and complex allegations. The cost of these complex investigations rose above £40K in total.
- 8.9 Costs are not provided for internal work on the complaints but will be going forward now the legal service has a new and updated case management system which effectively time records. Whilst time and cost are always just one consideration along with the importance of having a proper method of recourse too assess and deal with code of conduct complaints Committee are asked to note for the purposes of this report a broad estimate of time spent internally by the Monitoring Officer and Deputy Monitoring Officer can be estimated as follows: Monitoring Officer thirty plus percent of her full time working week on this aspect of her Monitoring Officer duties and her Assistant Director role alone, Deputy Monitoring Officer twenty to twenty five percent of her over all full time working week the rest of which is apportioned to her role as senior lawyer.

**9. Risk Analysis**

Risk	Likelihood	Impact	Mitigating actions
Not providing the report at regular intervals creates a risk at level 2 whereby if members are not informed any action members may wish to take cannot be fully explored.	2	2	1. To provide an update to Standards twice yearly and to full Council annually.

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.