

STANDARDS COMMITTEE

22nd JUNE 2022



Title	Update on member complaints
Purpose of the report	To note and to agree a programme of training for all Members
Report Author	Petra Der Man – (interim) Monitoring Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	Recovery Service delivery
Recommendations	Committee is asked to: 1.note the updated information and 2. agree to support the Council's Monitoring Office with its plans for delivery of training to support Members
Reason for Recommendation	To supplement and seek to embed the recently adopted Council revised arrangements for handling Member Code of Conduct complaints. To provide necessary support to Members for delivery of their professional standards. To improve confidence in the current Standards procedures.

1. Summary of the report

- 1.1 This report seeks to continue to embed the new revised Code of Conduct arrangements that were adopted in March 2022. (See Appendix A for the new adopted arrangements from March 2022.)
- 1.2 The report reflects briefly upon the numbers of complaints, then addresses the two recent full Code of Conduct Standards hearings that have happened

between March and June 2022 with key points from each to be noted and addressed. Finally, the plan for Member professional development by way of training organised through the Council's Monitoring office is set out.

- 1.3 The objective here is to address some of the key issues raised from recent Standards hearings and complaints, to embed the new complaints process and to facilitate the professional delivery of the Committee system by organising and delivering tailored training to all Councillors.

2. Key issues

- 2.1 In March 2022, (See Appendix A) this Council adopted its revised arrangements for handling complaints against its Councillors.
- 2.2 The recent revised arrangement were adopted following a significant number of complaints against Councillors that were received and having to be investigated. The number of Member complaints recorded between January 2020 to October 2021 were 50. For the period October 2021 to March 2022, there were 2. Since March 2022 to the present time the interim Monitoring Officer has received a further 7 recorded complaints plus at least 2 more which have been received for initial review. (More specific details as to those complaints received and assessed are set out at the very end of this report in tabular form.)
- 2.3 The number of current new complaints remain "significant". The process for handling Member complaints is not a speedy nor simple matter. It requires engagement by the Monitoring Officer, an Independent person, Members of the Standards Committee by way of assessment panels, the engagement of Independent Investigators, interviewing witnesses, then organising and holding Standards hearings with further engagement of Councillors on the Standards Committee and the services of the Council's Monitoring Officer and Committee Services team.
- 2.4 The process is necessarily detailed because of the serious implications of the allegations being levied against Members. The integrity of the Standards process is key to building trust and confidence in the democratically elected Spelthorne Council Members.
- 2.5 Embedding a consistent and confident Standards approach within a Council is key to supporting Members for when they go about their day-to-day work on behalf of Spelthorne including when they engage with the formal decision-making process itself.
- 2.6 Since March this year, we have had two final Standards Hearings.
 - (a) The first involved a serious allegation against a Councillor involving the use / misuse of social media. The outcome decided by the Standards Panel was that there was insufficient information to prove the allegation.
 - (b) The second involved social media and the Data Protection Act and GDPR regulations. The outcome decided by the Standards Panel was a finding against the Councillor – who was then asked to make a private apology to the member of the public whose data was breached and to undertake further training on data protection and on the Code of Conduct.
- 2.7 It was stated above at para. 2.4 that the integrity of the Standards process is fundamental. There are certain lessons to be learnt from the experience of the two noted recent hearings.

- The integrity of the process from start to finish must be respected.
 - Councillors involved in any Standards investigation must treat such matters as a priority and so must assist with the investigation in a timely manner.
 - Information shared during investigations must remain confidential.
 - Outcomes / findings of every Standards complaint shall be respected by all.
- 2.8 The Monitoring Officer recognises that Members should receive further support from its office. A programme to support Member development is being created.
- 2.9 It is proposed that initially, and to be offered to all Councillors, will be a seminar addressing the safe and positive use of social media by Local Authority Members. The Monitoring Officer together with the Council's committee Services' team will be arranging sessions on this topic. Delivery of the seminar will be by the current interim Monitoring Officer. These training seminars will be organised in consultation with all the political groups heads.
- 2.10 In addition, and again in consultation with all the political group heads, further seminar training before the beginning of September will be offered and delivered to current Members. This will include
- Training on the new Member model code of conduct
 - Training on the current protocol for officers and Members.
- 2.11 It is recognised that good Member standards is key to good decision making and it is a fundamental part of the role of the Monitoring Officer to support and assist Members with this.

3. Financial implications

- 3.1 There are no specific financial implications arising from this report.

4. Legal Implications

- 4.1 The Localism Act 2011 states that relevant authorities must promote and maintain high standards of conduct by Member and co-opted Members. It requires these authorities to adopt a code of conduct for their councillors.
- 4.2 Spelthorne borough Council has adopted the Local Government Association Model Code of Conduct 2020 in entirety, without amendment. The Code has been designed, following the report and recommendations of the Committee on Standards into Public Life, to protect the democratic role, encourage good conduct and safeguard the public's trust in local government.

5. Risk

- 5.1 The conduct of a Council's elected Membership reflects on the image of the Council, all of its work and affects the public's confidence and trust. The risk is reputational, namely and ultimately to the reputation of the Council.

6. Equality and Diversity

6.1 A public authority must, in the exercise of its functions, have due regard to the need to "...a) eliminate discrimination, harassment, victimisation ...b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it...(3) having due regard to the need to advance equality of opportunity...the relevant protected characteristics are- age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation..."

7. Sustainability/Climate Change Implications

7.1 There are no specific relevant implications arising from this report.

8. Timetable for implementation

8.1 Between end of June to 9th September 2022, the training identified within paragraphs 2.9 and 2.10 above will be offered and delivered. A full Member training programme will be further created and organised for Members following September in readiness to particularly support both current and new Members following the May 2023 election.

9. Contact

9.1 Petra Der Man (interim) Monitoring Officer. P.derman@spelthorne.gov.uk appropriate.

Background papers: There are none.

Appendices:

A, The new and current Code of Conduct Member arrangements adopted 16th March 2022.

DETAILS OF RECENT COMPLAINTS:-

The following table summarises the number of new complaints that have been made about councillors since March 2022 that the Monitoring Officer has been dealing with:

	Number submitted	Rejected	Closed	Referred for investigation	'Live'
Complaints made by staff	2	-	-	-	2
Complaints by Councillors	5	2	-	-	3
Total	7	2	-	-	5

The table below details the current status of complaints that are under investigation.

1.	Leaking of confidential information on Twitter	With Independent Investigator
2.	Use of pseudonym social media account	Hearing Panel resolved that there was not evidence of a breach and took no further action
3.	Alleged breach of Data Protection Act	Hearing Panel resolved there had been a breach and required the subject member to apologise and receive training
4.	Comments on social media	With Independent Investigator