

Harborough District Council



Report to Audit and Standards Committee Meeting of 30 October 2024

Title:	Standards Complaints – Monitoring Report, May-October 2024
Status:	Public
Key Decision:	Not Applicable
Report Author:	Nancy Barnard, Head of Democratic and Elections Services and Monitoring Officer
Portfolio Holder:	Not Applicable
Appendices:	A – Summary Table of Complaints received during the Municipal Year 2024-25

Summary

- i. The Committee has a role in monitoring complaints where District, Town and Parish Councillors or Co-opted Members have breached the Code of Conduct. This report provides a summary of complaints about Councillors received by the Monitoring Officer since the start of the Municipal Year.

Recommendations

1. That the Committee considers and notes the monitoring information.

Reasons for Recommendations

- ii. To update the committee on the number and nature of complaints received since the start of the Municipal Year and provide assurance that the complaints procedure is being applied correctly and complaints dealt with appropriately.
- iii. To enable the committee to identify any trends and patterns in complaints received and any solutions, for example training, that may support councillors in working within the Code. Please note, this report is for monitoring purposes only and is not intended to prompt a discussion on the detail of individual complaints beyond the information provided in the appendix.

1. Purpose of Report

- 1.1. This report is intended to update the Committee on the number and nature of complaints that District, Town and Parish Councillors have breached the Code of Conduct received by the Monitoring Officer since the beginning of the Municipal Year. It is not intended to provide detail on any individual case beyond that including in the appendix.
- 1.2. The report is intended to support the Committee in its monitoring of the operation of the Code and to provide assurance that complaints resolved informally prior to them needing to be escalated to the committee for consideration are being dealt with appropriately and in line with agreed procedures.

2. Background

- 2.1. The Committee's Terms of Reference, as outlined in the Constitution, place a responsibility on the Committee to:
 - a) Promote and maintain high standards of conduct by Councillors and co-opted members
 - b) Assist the Councillors and co-opted members to observe the Members' Code of Conduct(s) and
 - c) Advise the Council on the adoption or revision of the Members' Code of Conduct and monitor its operation.

This report is intended to support the Committee in fulfilling these responsibilities.

- 2.2. Appendix A to this report summarises the nature and outcome of complaints made against councillors since the start of the Municipal Year.

3. Details

- 3.1. Since the beginning of the Municipal Year, on 20 May 2024, seven complaints have been submitted alleging that a District, Town or Parish Councillor has breached the Code of Conduct. Two complaints relate to individuals in their capacity as a Member of Harborough District Council and the remaining five relate to individuals in their capacity as members of Town or Parish Councils.
- 3.2. None of the complaints have yet been required to be escalated to this committee (or a sub-committee established for that purpose). It has been determined that two complaints require investigation and have been referred to an independent investigator. Two complaints were determined not to have constituted breaches of the Code of Conduct. Two complaints were deemed to constitute minor breaches and were resolved informally without requiring full investigation. The remaining complaint is currently awaiting a response from an Independent Person, in line with the Complaints Procedure, prior to the Monitoring Officer making a decision on whether the case warrants formal investigation. Further information on all seven cases can be found in Appendix A to this report.
- 3.3. The information in this report is provided to assure Committee that the Complaints Procedure is being applied correctly, rather than to enable examination of each individual case. The complaints procedure is available on the Council's website (link available below). The Committee is asked to note the information contained in this report and its appendix.

4. Implications of Decisions

Corporate Priorities

- 4.1. The good governance of Harborough District Council, including the conduct of all members, is key to its effective, ethical, transparent and sound operation and therefore underpins the delivery of all Corporate Priorities.

Consultation

- 4.2. The Monitoring Officer has a statutory responsibility for the Council's Code of Conduct and promoting and maintaining high standards amongst elected members. In determining the management and outcome of complaints the Monitoring Officer is required to consult with an Independent Person prior to reaching a decision. This consultation has been undertaken and the Independent Person's views taken into account when decisions have been made on all cases.

Financial

- 4.3. This report is a monitoring report and has no direct financial implications. However, some of the complaints detailed in the appendix are being investigated by an independent investigator, external to the Council, and are therefore incurring a cost. There is budget allocated to support the Monitoring Officer with any costs arising from their responsibilities which will be used for this purpose. Should further cases be raised that require external input it may be necessary to cover additional costs from underspends elsewhere within the Democratic Services or wider departmental budgets.

Legal

- 4.4. Section 27 of the Localism Act 2011 requires local authorities to "promote and maintain high standards of conduct by members and co-opted members of the authority." The arrangements in place in Harborough are outlined in the Council's Code of Conduct for Councillors and Co-opted Members and the agreed procedure for managing complaints that a Councillor or Co-opted Member has breached the Code. Both documents are available on the Council's website (links below).
- 4.5. Any legal implications of individual complaints are considered as part of their management.

Environmental Implications

- 4.6. None

Risk Management

- 4.7. Any risk to the Council will be determined as part of the response to the individual complaint and escalated to this Committee in accordance with the published Complaints procedure.

Equalities Impact

- 4.8. Equality matters will be taken into account as part of consideration of individual complaints where appropriate.

Data Protection

- 4.9. Data Protection matters will be taken into account as part of consideration of individual complaints where appropriate.

5. Alternative Options Considered

- 5.1. The Committee's terms of reference place a responsibility on the Committee to monitor the operation of the Code of Conduct. This report supports the delivery of that responsibility therefore no other options were considered.

6. Recommendation

- 6.1. That the Committee considers and notes the monitoring information.

7. Background papers

- 7.1. [The Council's Councillor and Co-opted member Code of Conduct](#) (Part Five, Section One of the Council's Constitution)
- 7.2. [The Council's Code of Conduct complaints procedure](#)