



Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>AUDIT COMMITTEE 29 SEPTEMBER 2022</b>
Report Number	<b>AGENDA ITEM 17</b>
Subject	<b>MEMBER COMPLAINTS – ANNUAL REPORT</b>
Wards affected	ALL
Accountable member(s)	Cllr Joe Harris - Leader of the Council Email: <a href="mailto:joe.harris@cotswold.gov.uk">joe.harris@cotswold.gov.uk</a>
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Summary/Purpose	This annual report is to advise the Committee of standards issues, including complaints against members for the year ending 31 March 2022
Annexes	None
Recommendation/s	The Audit Committee are recommended to note this report.
Corporate priorities	None
Key Decision	No
Exempt	No
Consultees/ Consultation	Chair of Audit Committee.



## 1. REPORT

1.1 As one of its functions, Audit Committee, is responsible for promoting and maintaining high standards of conduct and for determination of complaints regarding conduct of Members.

1.2 This is the first report Members have received in relation to activity and complaints that has occurred during the financial year ending 2021/22.

## 2. UPDATE ON COMPLAINTS.

2.1 The table, set out below sets out details of complaints received during 2021/22.

Town, Parish or District Councillor subject to complaint	Date of Complaint	Outcome
Town/Parish	30.04.2021	Informal resolution
Town/Parish	04.05.2021	Complaint withdrawn
Town/Parish	21.05.2021	Informal resolution
District	04.10.2021	No further action
Town/Parish	24.11.2021	Complaint ongoing
District	09.12.2021	No further action
District	25.03.2022	Complaint withdrawn

2.2 There have also been a further six enquiries relating to the conduct of town or parish councillors which the complainant, when asked for supporting information, have not responded.

2.3 On 17 March 2021, the Council adopted arrangements for assessing allegations under the Code of Conduct, which comply with the best practice recommendations made by the Committee for Standards in Public Life.

2.4 In arriving at her judgement on complaints received, the Monitoring Officer applied the following criteria:

- a. Was the individual acting as a councillor at the time of the alleged misconduct?
- b. Does the allegation reveal a prima facie breach of the code?
- c. Is there a reasonable prospect that the allegation would be upheld?
- d. Is the matter complained of trivial?
- e. Is the allegation merely an attempt to initiate an investigation to 'embarrass' the Councillor, for e.g. political purposes?
- f. Is the matter essentially a dispute or difference of opinion between Members?
- g. Is the use of the Code of Conduct the appropriate way to resolve concerns?
- h. Given the range of sanctions available to a council is an investigation likely to improve the good working of the Council; in particular is any finding and sanction likely to improve public confidence in the democratic process?
- i. Consideration of the case law and guidance.
- j. Any other substantial consideration particular to the allegation.



2.5 In all cases where the Monitoring Officer has been required to consider a Code of Conduct complaint she has consulted with the Independent Person, as required by the Localism Act 2011.

### **3. INDEPENDENT PERSONS**

3.1 The Council maintains a list of three Independent Persons whose appointments were approved by the Council in March 2022.

### **4. LOCAL GOVERNMENT ASSOCIATION CODE OF CONDUCT**

4.1 Cotswold District Council adopted the Local Government Association Model Code of Conduct on 20 January 2021, which in turn, has been adopted by most town and parish councils in the district.

4.2 Work is underway across Gloucestershire to refine the Code of Conduct further with a view to developing a code which is adopted by all parish, town, district and the county council. This will be the subject of a subsequent report to Audit Committee.

### **5. SOCIAL MEDIA GUIDANCE FOR ELECTED MEMBERS**

5.1 In recent years, there has been an increase in Code of Conduct complaints against Councillors in respect of their social media use. Many local authorities have sought to limit the amount of complaints by introducing guidance on social media and policies.

5.2 The Code of Conduct for Elected Members specifically states that the Code extends to; 'all forms of communication and interaction, including ... in electronic and social media communication, posts, statements and comments'.

5.3 When the LGA's Model Code of Conduct was being consulted on nationally during 2019/20, 69% of respondents believed that social media guidance should be integrated into the Model Code of Conduct. Despite the overwhelming support for the incorporation of social media guidance into the Model Code, this didn't happen. Therefore, the Council developed its own Social Media Guidance, as an annexe to the Code of Conduct for Elected Members, which was approved at Council on 20 July 2022.

### **6. LEGAL IMPLICATIONS**

The Council has a legal duty to respond to complaints made against councillors of allegations of a breach of the Code of Conduct. The Council has adopted procedures for handling complaints