



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	AUDIT AND GOVERNANCE COMMITTEE – 23 JULY 2024
Subject	ANNUAL STANDARDS UPDATE
Wards affected	N/A
Accountable member	Councillor Joe Harris, Leader of the Council Email: Joe.Harris@cotswold.gov.uk
Accountable officer	Angela Claridge, Director of Governance & Development (Monitoring Officer) Email: Democratic@Cotswold.gov.uk
Report author	Ana Prelici, Governance Officer Email: Democratic@Cotswold.gov.uk
Summary/Purpose	To present the Audit and Governance Committee with and update on Code of Conduct Complaints and arrangements for dealing with these.
Annexes	Annex A – Draft Code of Conduct Complaint Handling Arrangements Annex B – Draft Procedure for the Standards Hearing Sub-Committee
Recommendation(s)	That the Audit and Governance Committee resolves to: <ol style="list-style-type: none">1. Note the update for the financial years 2022 – 2023 and 2023 - 20242. Recommend to full Council to approve the updated arrangements for dealing with code of conduct complaints;3. Recommend to full Council to approve the procedure for the Standards Hearing Sub-Committee and to delegate authority to the Director of Governance & Development to make minor amendments to the procedure.
Corporate priorities	<ul style="list-style-type: none">• Delivering Good Services
Key Decision	NO
Exempt	NO



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Consultees/ Consultation	Democratic Services Business Manager Chief Executive
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1. EXECUTIVE SUMMARY AND BACKGROUND

- 1.1** The Localism Act 2011 requires the Council to have complaint handling arrangements in place. These enable an individual to make a formal complaint that an elected or co-opted member of Cotswold District Council, or a Town or Parish Council within the district area, has failed to comply with their Council's Code of Conduct for Members. The complaint handling arrangements seek to ensure that complaints are dealt with fairly and are resolved informally where appropriate.
- 1.2** As one of its functions, the Audit and Governance Committee, is responsible for promoting and maintaining high standards of conduct and for the determination of complaints regarding the conduct of Members. The Audit and Governance Committee previously received an annual update report for the financial year 2021 – 2022 in relation to code of conduct complaints at its meeting on 29 September 2022.
- 1.3** On 17 March 2021, the Council adopted arrangements for assessing allegations under the code of conduct. The requirement of these arrangements is that they be reviewed at least every three years. A review has been undertaken by officers overseen by the Director of Governance and Development.
- 1.4** This report provides an update on the adoption of a Gloucestershire-wide of conduct and the number and status of code of conduct complaints. This report also presents the updated arrangements for dealing with code of conduct complaints, and a procedure for the Standards Hearing Sub-Committee.

2. GLOUCESTERSHIRE WIDE CODE OF CONDUCT

- 2.1** Full Council adopted the Gloucestershire-Wide Code of Conduct on 21 March 2023. Adopting a unified code of conduct has allowed greater clarity and consistency for members of the public about what behaviour they should expect from their representatives, and has allowed that if complaints are brought against a member at both District and County level the same considerations apply.
- 2.2** The Council will be writing to Town and Parish Councils within the district to encourage them to adopt also adopt the Gloucestershire-wide code of conduct. Doing so would assist the Monitoring Officer in dealing with Code of Conduct Complaints where a Councillor might be both a District and Parish or Town Councillor. To support this, training sessions are currently in the process of being planned, and details will be communicated to all Town and Parish Councils in due course.

3. NUMBER AND STATUS OF CODE CONDUCT COMPLAINTS

- 3.1** The Monitoring Officer has delegated authority, after consultation with the Independent Person, to determine whether a complaint requires formal investigation. Wherever



practicable, the Monitoring Officer seeks resolution of complaints without formal investigation.

3.2 The summary of received complaints is set out in the table below

3.3 In all cases where the Monitoring Officer has been required to consider a Code of Conduct complaint they have consulted with the Independent Person, as required by the Localism Act 2011. One of the Council's Independent Persons, John Acton, retired on 31.03.2024, recruitment is underway to secure a replacement. The Independent Persons continue to contribute in an invaluable and constructive manner.

3.4 Financial Year 01.04.2022 – 31.03.2023

Stage of complaints process resolved	Outcome	# District	# Town or Parish
Assessment stage	No action – complaint withdrawn	1	0
	No action - complaint dismissed	0	0
	Local resolution		1
Investigation stage	No action – complaint dismissed	0	0
	Local resolution	0	0
	Unresolved	0	0
Local hearing stage	No action – complaint dismissed	0	0
	Sanctions applied or recommended	0	0
Total		1	1
Overall Total #		2	

3.5 Financial Year 01.04.2023 – 31.03.2024

Stage of complaints process resolved	Outcome	# District	# Town or Parish
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Assessment stage	No action – complaint withdrawn	0	0
	No action - complaint dismissed	4	6
	Local resolution	4	3
Investigation stage	No action – complaint dismissed	0	0
	Local resolution	0	0
	Under investigation	1	22
Local hearing stage	No action – complaint dismissed	0	0
	Sanctions applied or recommended	0	0
Total		9	31
Overall Total #		40	

3.6 There are numerous other cases where contact has been made with the Monitoring Officer but the complainant decides not to pursue for a variety of reasons typically i), insufficient information is provided to assess the complaint, ii) the process doesn't allow the complainant to achieve the sanction they are looking for, or, iii) the complainant is anonymous, these are not logged as formal complaints, and therefore not included in the summary above. The procedure does permit anonymous complaints in exceptional and compelling reasons where the allegation can be evidenced without reference to the complainant. However, local authorities should not normally allow anonymous complaints as that are against the principles of transparency and fairness and make matters much more difficult to investigate.

4. LEARNINGS RESULTING FROM CODE OF CONDUCT COMPLAINTS

4.1 In the financial year 2021 – 22, there were seven formal complaints. Members will note that in the year ending 31 March 2024, there has been a considerable increase in the number of formal complaints received. The majority of complaints relating to town and parish councillors have arisen from four councils. All four councils have engaged with both the county organisation, Gloucestershire Association of Town & Parish Councils, and the



Monitoring Officer, to put measures in place such as support and training to improve their standards of behaviours.

- 4.2** Both nationally and locally, bullying and harassment continues to be one of the main behaviours complainants cite in allegations that a councillor has breached their respective councils Code of Conduct. This Council adopted the Local Government Association's "Debate Not Hate" campaign in July 2022 which aims to raise public awareness of the role of councillors in their communities, encourage healthy debate and improve the responses and support for local politicians facing abuse and intimidation. This initiative had included forging a much closer relationship with Gloucestershire Police, who have provided training to this Council's members.
- 4.3** The National Association of Local Councils (NALC) and Society of Local Council Clerks (SLCC) have introduced the "Civility & Respect" campaign for their town and parish council sector. Throughout the sector, there are growing concerns about the impact bullying, harassment, and intimidation are having on local (parish and town) councils, councillors, clerks and council staff and the resulting effectiveness of local councils. As part of the exercise to encourage Town & Parish Councils to adopt the Gloucestershire wide Code of Conduct, described in paragraph 2.2, these Councils will be encouraged to sign up to the Civility & Respect campaign if they haven't to date.
- 4.4** In addition to bullying and harassment, the complaints related to a wide range of alleged breaches of the Code of Conduct including failure to treat individuals with respect and courtesy, bringing the Council into disrepute, and failure to declare interests. Furthermore, there has been an increase in complex and lengthy complaints covering a number of allegations.
- 4.5** Another theme emerging from complaints over the last year is the nature of the allegations have arisen or relates to matters where the councillor was not acting in their councillor capacity or as a representative of the authority and is a private matter. If this is the case, the Code of Conduct doesn't apply. Section 52(1) of the Local Government Act 2000 contains the duty for a Councillor to comply with the Code of Conduct. It requires every Councillor to sign a declaration of acceptance of office, in which they undertake that 'in performing his functions' they will observe the authority's Code of Conduct. As a general rule, the public expect councillors to uphold high standards of conduct and show leadership at all times whether in a councillor or other capacity.
- 4.6** Over the last year, three complaints have also been referred to the Police by the complainant as well as the Monitoring Officer. Investigations by the Police take primacy over allegations managed by the Monitoring Officer.



4.7 The Monitoring Officer continues to meet quarterly with the Monitoring Officers of the other Gloucestershire Councils in order to review existing practice and keep abreast of national and regional developments.

5. ARRANGEMENTS FOR DEALING WITH CODE OF CONDUCT COMPLAINTS

5.1 The Council adopted its arrangements for dealing with code of conduct complaints on March 2021. The review requirements of these arrangements is that they be reviewed every 3 years thereafter. In compliance with this requirement and the adoption of the Gloucestershire- Wide Code of Conduct in March 2023, a 'light touch' review of these arrangements has been carried out.

5.2 In light of the increased number of complaints received by the Council, a Governance Officer has been seconded from the Democratic Services team to assist the Monitoring Officer with code of conduct complaints for seven hours per week. With this additional capacity, some processes have been updated to ease the administrative burden on the Monitoring Officer, in particular carrying out correspondence.

5.3 The revised arrangements at Annex A have been reviewed as follows;

- The name and introduction has been updated to reflect that the code of conduct also applies to co-opted members of committees.
- At 1.3 of the Arrangements, the Independent Persons have been updated to reflect current appointments.
- In light of updated processes, an additional paragraph (2.2) has been added to ensure that complaints contain sufficient information.
- The time scale of a month for the Investigating Officer to produce their report was unrealistic, considering that interviews often need to be carried out before the production of the draft report. The timescales were updated in line with those set out in guidance issued by the Local Government Association.

5.4 Notwithstanding any circumstances in which the arrangements warrant an earlier review e.g. new legislation introduced by the Government, the arrangements will next be reviewed in 2027.

6. PROCEDURE FOR STANDARDS HEARING SUB-COMMITTEE

6.1 Under the Council's Constitution, one of the Audit and Governance Committee's roles is to appoint a Standards Hearings Sub-Committee to conduct hearings following any formal investigation into an allegation that a Member of the Council has failed or may have failed to comply with the Council's Code of Conduct for Members.



- 6.2** A Standards Hearing Sub-Committee was established in the Council's Constitution by full Council on 20 September 2023. The previous procedure for Standards Hearing Sub-Committees adopted by the Council predates the Localism Act 2011 and is no longer current. The proposed procedure for this sub-committee is provided at Annex B.
- 6.3** There is no legal requirement to have a procedure for Standards Hearing Sub-Committee, but having a procedure is matter of good practice to ensure that practices are robust thereby reducing risk to the Council.
- 6.4** Following a standards hearing at a neighbouring authority, that authority is awaiting legal advice, which will be shared with the Council and may result in minor amendments to this procedure being recommended, for example in relation to the role of witnesses at a hearing. The Committee is recommended to delegate authority to the Director of Governance and Development (Monitoring Officer) to make any necessary amendments following receipt of the legal advice to ensure that the procedure is robust and represents good practice.
- 6.5** The Council's Constitution also allows a Town and Parish representative to attend a hearing of the Standards Hearing Sub-Committee where the allegations concern Town or Parish Councillors. Work is being undertaken with the Gloucestershire Association of Parish and Town Councils (GAPTC) to identify suitable candidates for this representative role. The Council is ideally looking to appoint two Town and Parish Council representatives (who represent Town or Parish councils in different parts of the district) to provide resilience and avoid conflicts.

7. ALTERNATIVE OPTIONS

- 7.1** The Audit and Governance Committee could decide to not recommend that the Code of Conduct Handling Arrangements to full Council for approval, but doing so would forgo compliance with the requirement that these are reviewed every three years.
- 8.** The Audit and Governance Committee could decide to not recommend the Procedure for the Standards Hearing Sub-Committee to full Council, but this could increase the risk of legal challenge if a Sub-Committee were required.

9. FINANCIAL IMPLICATIONS

- 9.1** There are no financial implications resulting directly from the report.

10. LEGAL IMPLICATIONS

- 10.1** The Localism Act 2011 requires the Council to have a Code of Conduct which sets out the standards expected of Members whenever they act in their official capacity. The Code must



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also have in place a suitable procedure at a local level to investigate and determine allegations that elected Members and co-opted Members of the district council or town and parish councils within the district area have breached the Code of Conduct.

11. RISK ASSESSMENT

- 11.1** If the Council fails to adopt and maintain a Code of Conduct and a process for the investigation of complaints that are fit for purpose, robust and transparent then there are risks to the Council's reputation and to the integrity of its corporate governance and decision-making processes.

12. EQUALITIES IMPACT

- 12.1** Equalities and Human Rights issues are taken into account in the handling of Code of Conduct complaints.

13. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 13.1** There are no Climate and Ecological implications arising directly from this report.

14. BACKGROUND PAPERS

- 14.1** None.

(END)