



# COTSWOLD

District Council

Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>AUDIT AND GOVERNANCE COMMITTEE – 27 MAY 2025</b>
Subject	<b>ANNUAL STANDARDS UPDATE</b>
Wards affected	None
Accountable member	Leader of the Council Email: <a href="mailto:Democratic@Cotswold.gov.uk">Democratic@Cotswold.gov.uk</a>
Accountable officer	Angela Claridge, Director of Governance & Development (Monitoring Officer) Email: <a href="mailto:angela.claridge@cotswold.gov.uk">angela.claridge@cotswold.gov.uk</a>
Report author	Angela Claridge, Director of Governance & Development (Monitoring Officer) Email: <a href="mailto:angela.claridge@cotswold.gov.uk">angela.claridge@cotswold.gov.uk</a>
Summary/Purpose	To present the Audit and Governance Committee with standards updates and issues, including Code of Conduct Complaints for the year ending 31 March 2025.
Annexes	Committee on Standard in Public Life.
Recommendation(s)	That Committee resolves to: <ol style="list-style-type: none"><li>1. Note the update for the financial year 2024 - 2025.</li><li>2. Note the Committee on Standards in Public Life's response to the Government's consultation: "Strengthening the standards and conduct framework for local authorities in England".</li></ol>
Corporate priorities	<ul style="list-style-type: none"><li>• Delivering Good Services</li></ul>
Key Decision	NO
Exempt	NO



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Consultees/ Consultation	
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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 years ending 31 March 2024 in relation to code of conduct complaints at its meeting on 24 July 2024.
- 1.3** On 25 September 2024, the Council adopted updated arrangements for assessing allegations under the code of conduct and approved an updated procedure for the Standards Hearing Sub-Committee. This sub-committee has the responsibility to conduct hearings following any formal investigation into an allegation that a Member of the District Council or a Town or Parish Council within the district area has failed or may have failed to comply with their Council's Code of Conduct for Members.
- 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.

## **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.



### **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 overleaf. Data recording is based upon the date the formal complaint is received, some complaints received in 2023/4, and notified in last year's report, will have been managed during 2024/5 but aren't included in the table.
- 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. Following the retirement of one of the Council's Independent Persons, two new Independent Persons, Robert Cawley and Melvin Kenyon, were appointed on 31 July 2024. The Independent Persons continue to contribute in an invaluable and constructive manner. Individual discussions have been held between the Independent Persons and the Monitoring Officer reviewing how we can promote good conduct in parish and town councils to prevent the increasing numbers of complaints.
- 3.4** Financial Year 01.04.2024 – 31.03.2025

<b>Stage of complaints process resolved</b>	<b>Outcome</b>	<b># District</b>	<b># Town or Parish</b>
Assessment stage	No action – complaint withdrawn/incomplete information	1	3
	No action - complaint dismissed	4	19
	In progress	0	5
Investigation stage	No action – complaint dismissed	0	1



	Local resolution	0	0
	In progress	0	5
Local hearing stage	No action – complaint dismissed	0	0
	Sanctions applied or recommended	0	0
<b>Total</b>		<b>6</b>	<b>33</b>

**3.5** This is a reduction of one formal complaint from the previous year but is still a considerable increase from 2 in 2022/23.

**3.6** There are numerous other cases where contact has been made with the Monitoring Officer but the complainant decides not to pursue a formal complaint 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 is against the principles of transparency and fairness and make matters much more difficult to investigate.

#### **4. LEARNING RESULTING FROM CODE OF CONDUCT COMPLAINTS**

**4.1** Members will note that for the last two financial years, the number of complaints has risen considerably. The majority of complaints relating to town and parish councillors have arisen from four councils – Chipping Campden Town Council, Tetbury Town Council, Bourton on the Water Parish Council and Moreton in Marsh Town Council. Tetbury Town Council and Bourton on the Water Parish Council have engaged with the county organisation, Gloucestershire Association of Parish & Town Councillors (GAPTC) to undertake training. Moreton in Marsh Town Council have



utilised an external auditor to review their procedures and examine some of their transactions and decision making.

- 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.
- 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.
- 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** There is a worrying theme of the misuse of the code of conduct complaints system as a weapon against others, particularly relating to planning issues. Some subject members (councillors subject to complaints) have suggested that complaints have



sometimes been used for revenge or to disrupt processes, which have incurred significant investigation costs for Cotswold District Council as a result.

- 4.7** The majority of complainants are members of the public, but there has been an increase in the number of complaints from councillors against other councillors – 15% of the 2024/25 complaints were generated by councillors.
- 4.8** Over the last year, three matters relating to councillor conduct have also been referred to the Police which were outside of the code of conduct complaints process. Investigations by the Police take primacy over allegations managed by the Monitoring Officer.
- 4.9** The Monitoring Officer continues to meet quarterly with the Monitoring Officers of the other Gloucestershire Councils and the Gloucestershire Association of Parish & Town Councils (GAPTC) in order to review existing practice and keep abreast of national and regional developments.

## **5. OTHER UPDATES – OPERATION FORD**

- 5.1** Operation Ford a is a government initiative to ensure that any elected official (including Councillors and Police and Crime Commissioners) is provided with the appropriate safety and security advice.
- 5.2** As part of Operation Ford, a personal security update from Gloucestershire Constabulary was arranged for members on 13 May of which seven councillors attended.

## **6. STRENGTHENING THE STANDARDS AND CONDUCT FRAMEWORK FOR LOCAL AUTHORITIES IN ENGLAND.**

- 6.1** On 18 December 2024, The Government launched a consultation on wide-ranging reforms to the local government standards system, including reintroducing powers of suspension and widening circumstances in which members can be disqualified. The consultation titled "[\*Strengthening the standards and conduct framework for local authorities in England\*](#)", also asks for views on implementing sanctions such as premises bans for councillors, setting up a national body for handling appeals, and requiring councils to have standards committees.



- 6.2** The consultation closed on 26 February 2025. Members attention is drawn to The Committee on Standards in Public Life's response shown in annex A. To date, no further detail or timescales have been announced in terms of changes arising from consultation responses.

## **7. FINANCIAL IMPLICATIONS**

- 7.1** There are no financial implications resulting directly from the report. However, the significant increase in code of conduct complaints is putting considerable pressure on existing resources. Should this trend continue, the Council will need consider if additional resource is required.

## **8. LEGAL IMPLICATIONS**

- 8.1** 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 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.

## **9. RISK ASSESSMENT**

- 9.1** 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.

## **10. EQUALITIES IMPACT**

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

## **11. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

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

## **12. BACKGROUND PAPERS**

- 12.1** None.