

North East Derbyshire District Council

Standards Committee

28 February 2024

Complaint Update Report

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public.

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PURPOSE / SUMMARY

To provide Standards Committee with an update on the number of complaints that have been received and what action has been taken on these.

RECOMMENDATIONS

That the Standards Committee notes the complaints update.

IMPLICATIONS

Finance and Risk: Yes No

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p>NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
District Wards Significantly Affected	None
<p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	No

Links to Council Plan (NED) priorities, including Climate Change, Equalities, and Economics and Health implications.

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

- 1.1 Under Section 28 (6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the Council or parish or town council within its area has failed to comply with that Authority’s Code of Conduct can be investigation and decisions made on such allegations.
- 1.2 The Council has adopted a Code of Conduct for Members. Each parish or town council is also required to adopt a Code of Conduct.
- 1.3 The Monitoring Officer is a senior officer of the Authority who has the statutory responsibility for administering the system in respect of complaints of member misconduct.

- 1.4 Standards Committee is to receive regular reports from the Monitoring Officer on the number of complaints against members, how they are progressing, what decisions have been made and what action taken.

2. Details of Proposal or Information

- 2.1 Since the last update was brought to Committee in September, four new complaints have been opened and seven complaints have been closed. There are currently a total of six ongoing complaints.
- 2.2 Of the complaints that were closed, two proceeded to investigation.

The investigation concluded that in one case it would no longer be in the public interest to continue to pursue the complaint.

The investigation concluded that in one case, there had been a breach of the Code of Conduct. However, the investigation revealed more underlying systemic concerns about the Council which should be addressed as a priority. As such, a number of steps were recommended to the Parish Council, these included compulsory training for all Members on the Code of Conduct and Standing Orders with a particular focus on behaviours, the conduct of business and decision-making processes.

- 2.3 Two complaints were closed as there was not enough evidence provided to suggest that a breach had taken place or that the Member was acting in their capacity as a Councillor at the time of the alleged incidents.

One complaint was closed because the Member had apologised for their behaviour during the meeting in question.

One complaint was closed because there was no evidence that the Member was lying or that they had expressed their opinion in an objectionable way.

One complaint was closed because there was no evidence that the Member was dishonest or misleading during the meeting in question.

3 Reasons for Recommendation

- 3.1 Under the North East Derbyshire District Council's Constitution It is a function of the Standards Committee to receive regular update reports from the Monitoring Officer on the number of complaints received against members, how they are progressing, what decisions have been made and what actions taken.

4 Alternative Options and Reasons for Rejection

- 4.1 There are no alternative options to consider as part of this report.

DOCUMENT INFORMATION

Appendix No	Title
1	Complaint Update
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	