

North-East Derbyshire District Council

Standards Committee

15 October 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

1. 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 - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies</p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>District Wards Significantly Affected</p>	None
Equality Impact Assessment (EIA) details:	
<p>Stage 1 screening undertaken Completed EIA stage 1 to be appended if not required to do a stage 2</p>	
<p>Stage 2 full assessment undertaken Completed EIA stage 2 needs to be appended to the report</p>	No, not applicable
<p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	No Details: N/A

Links to Council Plan priorities, including Climate Change, Economic and Health implications

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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 investigated 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 actions taken.

2. Details of Proposal or Information

- 2.1 Since the last update was brought to Committee in April 2023 there are currently a total of two ongoing complaints.

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 Report
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)	

NEDDC COMPLAINTS MADE AGAINST MEMBERS – QUARTERLY UPDATE

List of Cases which do not proceed to investigation

DATE OF RECEIPT	PART OF CODE OF CONDUCT ALLEGED TO HAVE BEEN BREACHED	NAME OF COUNCIL	WHETHER A POTENTIAL BREACH WAS FOUND	REASONS FOR DECISION
<p>14/07/23</p> <p>11/2023</p>	<p>Breached code of conduct 1.5 'I promote equalities and do not discriminate unlawfully against any person', by preventing the complainant from attending committee meetings under guise of concerns for her health.</p> <p>It is alleged that the complainant was discriminated against for her disability.</p> <p>It is alleged that derogatory behaviour was displayed towards the complainant on 2 occasions.</p>	<p>Wingerworth Parish Council</p>	<p>Currently with the Independent Person for review.</p>	<p>Currently with the Independent Person for review.</p>
<p>27/11/23</p> <p>16/2023</p>	<p>It is alleged that false statements were made and information shared about one of the complainants in</p>	<p>Grassmoor, Hasland & Winsick Parish Council</p>	<p>No.</p>	<p>The complaints failed to clarify or evidence their concerns and in any event, the Cllr was not found to be acting in their</p>

	<p>relation to an incident that took place involving police intervention.</p> <p>It is alleged that a SAR request contained inaccurate information.</p> <p>It is alleged that confidential information was disclosed to others, that the complainants were prevented from accessing, that they believed they were entitled by law to access, and that reasonable care and diligence was not exercised when making decisions.</p>			<p>capacity as Cllr so there has been no breach of the Code of Conduct.</p>
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