

Report to:	Audit and Governance Committee	Date of Meeting:	Wednesday 15 September 2021
Subject:	Review of Members Code of Conduct Complaints 2020-21		
Report of:	Executive Director of Corporate Resources and Customer Services	Wards Affected:	(All Wards);
Portfolio:			
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

The reports provides a summary of complaints received in the municipal year 2020 to 2021 that Members of Sefton Council had breached its Members Code of Conduct.

Recommendation(s):

(1) That the report be noted.

Reasons for the Recommendation(s):

The keep the committee informed of complaints received that Members had breached its Code of Conduct for Members in accordance with the terms of reference for the committee.

Alternative Options Considered and Rejected: (including any Risk Implications)

None

What will it cost and how will it be financed?

(A) Revenue Costs - None

(B) Capital Costs - None

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):	
Legal Implications: Localism Act 2011	
Equality Implications: There are no equality implications.	
Climate Emergency Implications: The recommendations within this report will	
Have a positive impact	N
Have a neutral impact	Y
Have a negative impact	N
The Author has undertaken the Climate Emergency training for report authors	Y

Contribution to the Council's Core Purpose:

Protect the most vulnerable: N/A
Facilitate confident and resilient communities: N/A
Commission, broker and provide core services: N/A
Place – leadership and influencer: Having a robust Members Code of Conduct adhered to by all members will demonstrate that members are accountable to the citizens of the borough. The Code is designed to protect the democratic role of members, encourage good conduct and safeguard the public's trust in local government.
Drivers of change and reform: N/A
Facilitate sustainable economic prosperity: N/A
Greater income for social investment: N/A

Cleaner Greener: N/A

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.6485/21) and the Chief Legal and Democratic Officer (LD4686/21) have been consulted and any comments have been incorporated into the report.

(B) External Consultations - None

Implementation Date for the Decision

Immediately following the Committee meeting.

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Appendices:

None

Background Papers:

There are no background papers available for inspection.

1. Introduction

1.1 Under the Localism Act 2011 all councils must adopt a code of conduct dealing with the conduct that is expected of members and co-opted members when they are acting in that capacity.

1.2 Under section 27 of the Localism Act 2011, a relevant authority must:

- Promote and maintain high standards of conduct by its members and co-opted members.
- When discharging its duty, adopt a voluntary code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in their capacity as members (that is in an official capacity).

- 1.3 Section 28(6) requires a relevant authority (other than a parish council) to have arrangements in place to deal with complaints that its code of conduct has been breached.
- 1.4 At the Full Council meeting on 19 April 2018 the Council adopted the Code of Conduct that was in operation in the municipal year 2020 to 2021.
- 1.5 Members will be aware that at the Full Council meeting on 18th May 2021 the Council adopted a new Code of Conduct and members will have received bespoke training by a specialist external training provider on the new Code on 13th September 2021.

2.0 **Summary of Complaints received in 2020-21**

- 2.1 Six complaints were received during the municipal year 2020-21 and a summary of each is provided below.

3.1 **Complaints A and B**

- 3.2 Two complaints were received from members of the public that a member had posted a comment on social media that they considered racist and brought the Council into disrepute. The complainants wished for the behaviour to be highlighted and the member in question publicly reprimanded.
- 3.3 Upon receipt of the complaints the Monitoring Officer contacted the member in question to make them aware of the complaints and to see if the matter could be resolved without the need for the matter to be considered by an Initial Assessment Sub-Committee. The member drafted an email they wished the Monitoring Officer to send to the complainants that explained why they posted what they did and apologising for any inconvenience that it may have caused.
- 3.4 The Monitoring Officer sent the email to both complainants but they both wished for their complaints to be considered by an Initial Assessment Sub-Committee. A Sub-Committee was convened and the Sub-Committee decided that the matter should not be referred for a full investigation but that it should be referred to the Monitoring Officer for other action. That action being to ask the member in question to undertake suitable training on equality and diversity awareness. The member subsequently undertook the training.

4.1 **Compliant C**

- 4.2 A complaint was received from a member of the public that members of the Council who sit on an external body had breached the Nolan Principles and had therefore, breached the members Code of Conduct by their refusal to investigate a matter he had brought to their attention.
- 4.3 Following receipt of the complaint the Monitoring Officer exchanged email correspondence with the complainant to gain a better understanding of the basis of the complaint. It transpired that the complainant was concerned about matters which had occurred many years ago in another country about which he had previously complained to a number of agencies both in that country and in this country.

- 4.4 Under the procedures for dealing with such complaints the Monitoring Officer can make an initial review of a complaint and has discretion to decide to take no further action in relation to a complaint if deemed appropriate. The Monitoring Officer undertook such a review and considered that the complaint was an attempt to resurrect his previous complaints to other agencies about which he was unhappy with the outcome.
- 4.5 After consulting with the Chair of the Audit and Governance Committee the Monitoring Officer informed the complainant that no further action would be taken in relation to his complaint and gave reasons for his decision.
- 4.6 The Complainant subsequently complained to the Local Government Ombudsman about the Monitoring Officer's decision, but the Local Government Ombudsman decided not to investigate the complaint stating, "The Council has explained its decision and followed correct process in making the decision".

5.0 **Complaint D**

- 5.1 A complaint was received from a member of the public that a member had wrongly involved themselves and the police in a private matter between himself and his wife that the member had acted "totally unprofessionally" which had caused him distress.
- 5.2 The complainant sought an apology and confirmation that the member would not involve themselves with the complainant's private affairs again.
- 5.3 A meeting of the Initial Assessment Sub-Committee was held. In addition to the information provided by the complainant the sub-committee had the benefit of the members initial views on the complaint which provided the reasons for their actions. The sub-committee decided that no further action should be taken on the complaint as the matters complained of would not amount to a breach of the Members' Code of Conduct. Furthermore, the sub-committee asked the Monitoring officer to inform the member that they considered their actions to be commendable.
- 5.4 The complainant was duly informed of the outcome and he exercised his right under the Council's procedures for the matter to be considered by an Initial assessment Review Sub-Committee. A meeting was arranged, and the Initial Assessment Review Sub-Committee decided that no further action should be taken on the complaint and they also asked the Monitoring Officer to inform the member that they agreed with the Initial Assessment Sub-Committee that the members actions were commendable.

6.0 **Complaint E**

- 6.1 A complaint was received from a member of the public that a member had posted what he considered to be derogatory comments about him on social media. The complainant wished for the member to remove the post, apologise and be given training on how to conduct themselves as an elected official.
- 6.2 The Monitoring Officer informed the member in question of the complaint and the member provided his initial views on the complaint.

6.3 The matter was going to be considered by an Initial Assessment Sub-Committee, however, the member in question was not re-elected to the Council in the May 2021 elections and in the circumstances the complainant confirmed that he did not wish to proceed with his complaint.

7.0 **Complaint F**

7.1 A complaint was received from a member of the public that a member had constantly attacked his integrity publicly on-line in social media posts. The complainant wished for the member to 'stop bullying people online'.

7.2 The Monitoring Officer informed the member in question of the complaint and the member provided his initial views on the complaint.

7.3 The matter was going to be considered by an Initial assessment Sub-Committee, however, the member in question was not re-elected to the Council in the May 2021 elections and in the circumstances the complainant confirmed that he did not wish to proceed with his complaint.

8.0 **Conclusion**

8.1 In the municipal year 2020 to 2021 six complaints were received that Sefton members had breached its Code of Conduct for Members. All the complaints were made by members of the public and for the reasons set out above none of the complaints led to a full investigation and were concluded without any adverse findings being made. Four of the six complaints concerned social media posts.