

Report to:	Audit and Governance Committee	Date of Meeting:	Wednesday 7 September 2022
Subject:	Review of Members Code of Conduct Complaints 2021-22		
Report of:	Executive Director of Corporate Resources and Customer Services	Wards Affected:	(All Wards);
Portfolio:	Regulatory, Compliance and Corporate Services		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

The report provides a summary of complaints received in the municipal year 2021 to 2022 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): None	
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 (FD6890/22.) has been consulted and any comments have been incorporated into the report. The Chief Legal and Democratic Officer is the author of the report.

(B) External Consultations

None

Implementation Date for the Decision

Immediately following the Committee meeting.

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Appendices:

There are no appendices to this report

Background Papers:

There are no background papers available for inspection.

1. Introduction/Background

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 18th May 2021 the Council adopted a new Code of Conduct and members received bespoke training by a specialist external training provider on the new Code on 13th September 2021.

2.0 **Summary of Complaints received in 2021-22**

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

3 **Complaint A**

- 3.1 A complaint was received from a member of the public in relation to a video a member posted on social media. The complainant alleged that the posting of the video infringed copyright law. However, the video was posted prior to the member becoming a member of the Council and therefore, there it was not a valid complaint under the Code of Conduct.

4.1 **Compliant B**

- 4.2 A complaint was received from a member of the public about a press release from a member which they considered to be offensive and that the member in question breached the Code on the grounds that the member failed to treat others with respect, did not act solely in the public good and did not consider the issues with an open mind.
- 4.3 Attempts to resolve the complaint informally failed and the matter was referred to a meeting of the Audit and Governance Initial Assessment Sub-Committee.
- 4.4 The Sub-Committee decided to take no further action in relation to the complaint as they considered that the comments in the press release were factually correct and derived from an officer's report which was later submitted to a committee of the Council.
- 4.5 The complaint was offered the opportunity for the matter to be reviewed by the Audit and Governance Review Sub-Committee, but they chose not to do so.

5.0 **Conclusion**

- 5.1 In the municipal year 2021 to 2022 two 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.
- 5.2. In comparison in the municipal year 2020 to 2021 six complaints were received, all from members of the public and none led to a full investigation.