

Review of Members Code of Conduct Complaints 2023 - 2024

Date of meeting:	4 September 2024		
Report to:	Audit and Governance Committee		
Report of:	Executive Director – Corporate Services and Commercial		
Portfolio:	Corporate Services		
Wards affected:	All		
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 2023 to 2024 that Members of Sefton Council had breached its Members Code of Conduct.

Recommendation:

(1) That the report be noted.

1. The Rationale and Evidence for the Recommendations

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.

2.0 Summary of Complaints received in 2023-24.

2.1 Twelve complaints were received during the municipal year 2023-24 and a summary of each is provided below.

Complaint A

A complaint was received from a member of the public that a member's register of interests was not accurate. Upon review by the Council's Monitoring Officer and liaison with the member concerned the Monitoring Officer was satisfied that the register was accurate, and the member of the public was informed of the same.

Complaints B and C

A complaint was received from a member of the public that a member's register of interest was not accurate. The complaint was considered by the Initial Assessment Sub-Committee which decided not to refer the matter to the Council's Monitoring Officer for investigation as the member had by then amended his register. They did recommend that the Monitoring Officer ensure that the member in question undertake training on the Members Code of Conduct which they subsequently undertook.

A further complaint was received from the same member of the public that the same member's register of interest was still not accurate. The member concerned was informed of the complaint and apologised for the oversight and asked the Monitoring Officer to refer the matter to an Initial Assessment Sub-Committee. The Sub-Committee decided to refer the matter to the Monitoring Officer for further action. That being to ask the Monitoring Officer to contact the member to seek written confirmation that his Register of Interests is up to date and accurate and explore with him the suggestion from the Sub-Committee that he make a public statement about the two complaints that have been made against him relating to his register of interests. The member subsequently confirmed that his register of interests was up to date and accurate and made a statement about the complaints at a Full Council meeting.

Complaint D

A member of the public complained about a social media post from a member. However, when the Monitoring Officer requested a copy of the post no reply was received. The notification of delivery facility in Outlook confirmed that the Monitoring Officer's email had been delivered. No further action was taken.

Complaints E and F

A member of the public complained that a member had failed to adhere to a pre-election promise to resolve an issue to his satisfaction. The Monitoring officer made preliminary enquires into the complaint and it was clear that the member in question had raised the issue with appropriate officers within the Council and those officers and the member had had numerous emails exchanges with the member of the public but he was not satisfied with the outcome. The member of the public also complained that the leader of the member's group had not dealt with his complaint about the member to his satisfaction.

After consulting with the Chair of the Audit and Governance Committee the Monitoring Officer informed the complainant that his complaints could not be considered to be valid complaints under the Code of Conduct and no further action would be taken in relation to the same.

Complaint G

A complaint was received from a member of the public about the way a member chaired a committee meeting. After consulting with the Chair of the Audit and Governance Committee the Monitoring Officer informed the complainant that his complaint could not be considered to be valid complaints under the Code of Conduct and no further action would be taken in relation to the same.

Complaint H

A complaint was received from the same member of public as in **Complaint G** above about a member's conduct at the same meeting. Again, after consulting with the Chair of the Audit and Governance Committee the Monitoring Officer informed the complainant that his complaint could not be considered to be a valid complaint under the Code of Conduct and no further action would be taken in relation to the same.

Complaint I

An email was received from a member of the public complaining about comments made by a member at a social event which did not appear to be connected with Council business or when the member was acting as a councillor. The Monitoring Officer emailed the member of the public explaining the provisions relating to the Members Code of Conduct only applying when the member was acting as a councillor or giving the impression that they were and inviting the member of the public to make a formal complaint utilising the on-line form if they wished to continue with the complaint. No reply was received. The notification of delivery facility in Outlook confirmed that the email had been delivered. No further action was taken.

Compliant J

A complaint was received from a member of the public about a member's posts on social media. The matter was referred to an Initial Assessment Sub-Committee and the sub-committee decided to take no further action in relation to the complaint. The members of the sub-committee were mindful of the fact that the posts about which the complaint related were not addressed to the complainant and were mindful of the context in which the member made the posts. That context being the many unpleasant, crude and offensive posts directed towards the member and their family and colleagues on the Facebook page.

Complaint K

A complaint was received from a member of the public that a member had not taken action in a timely manner as he promised to do in relation to a planning matter. The member in question had apologised for the oversight. The Council's Monitoring Officer felt that the complaint could not amount to a breach of the Code of Conduct, so no further action was taken. The Monitoring officer was also mindful that the Council had no power to compel the member in question to comply with the remedy sought by the complainant.

Complaint L

A complaint was received from a member of the public about a member's posts on social media. The matter was referred to an Initial Assessment Sub-Committee and the Sub-Committee decided to take no further action in relation to the complaint. The members of the sub-committee considered that the complaint was politically motivated and were mindful of the context in which the member made the post. That context being the many unpleasant, crude and offensive posts the complainant had made on the Facebook page about the member, their family and colleagues.

3. Financial Implications

None

4. Legal Implications

The Localism Act 2011 provides that 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.

4. Corporate Risk Implications

By adopting a Code of Conduct and ensuring training is provided to its members, the Council will reduce the risk of any member acting contrary to the Code.

5 Staffing HR Implications

None

6 Conclusion

The report provides a summary of complaints received in the municipal year 2023 to 2024 that Members of Sefton Council had breached its Members Code of Conduct and the way those complaints were dealt with.

Alternative Options Considered and Rejected

None

Equality Implications: There are no equality implications.
Impact on Children and Young People: None
Climate Emergency Implications: The recommendations within this report will have a neutral impact.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Services and Commercial (FD.7738/24) has been consulted and any comments have been incorporated into the report.

(B) External Consultations

None

Implementation Date for the Decision : With immediate effect

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Appendices: There are no appendices to this report

Background Papers: None