

**Report on Standards Complaints**  
Report by Solicitor and Monitoring Officer

<b>Summary:</b>	This report outlines the complaints dealt with during the past two years under the Members' Code of Conduct. The number of complaints by the public about the conduct of Members remains very small at two. There has been a large number of complaints by members against each other. All complaints which have been completed have been dismissed.
<b>Recommendation:</b>	That the Broads Authority notes the report and considers what action, if any, needs to be taken about the number of complaints by Members.

## **1 Background**

- 1.1 The Code of Conduct for Members and Complaints Procedure ("the Code"), most recently adopted by the Authority in September 2016, sets out the conduct which is expected of members and co-opted members ("Members") of the Broads Authority ("the Authority") when they are acting in that capacity, as required by section 27 of the Localism Act 2011.
- 1.2 The Nolan Report sets out the seven Principles of Public Life, which are incorporated into the Code as required by section 28 Localism Act 2011. The Authority also has a statutory duty under section 27 of the Act to promote and maintain high standards of ethics and conduct by its Members.
- 1.3 The Localism Act provides that, where there are complaints of misconduct, the Authority must have in place arrangements under which allegations can be investigated and arrangements under which decisions on allegations can be made. The Authority's procedure, set out applies to complaints made against a Member by another Member, or by officers or any other person.

## **2 Code of Conduct Complaints**

- 2.1 At the last meeting Members considered a report on formal complaints by the public about the services provided. There were just ten in the last year. This report deals with complaints about the conduct of Members under the Members' Code of Conduct. References to Members in this report include co-opted members of the Navigation Committee, who are also subject to the Members' Code of Conduct. Due to the confidential nature of the process, it is not appropriate to set out the details of these complaints.

- 2.2 The Broads Authority has historically had very few complaints about the conduct of its Members and from the records it has been possible to find only one Code of Conduct Complaint in the years since 1989. In December 2015 the Authority received a single complaint from a member of the public which was investigated by Victoria McNeil, the Authority's then Monitoring Officer, and dismissed. There has been only one complaint by a member of the public since and that has also been dismissed.
- 2.3 Things changed significantly from the beginning of 2016, since when there have been 15 complaints by Members against the conduct of other Members. Of these, 11 complaints were dealt with by the previous Monitoring Officer, Victoria McNeill. Since the new Code of Conduct adopted in September 2016 there have been 2 complaints made by Members and 1 by an Officer.
- 2.4 In terms of analysis of the numbers in the previous paragraph, the Member complaints have been made by 5 different Members. One has made 8 complaints, one 3, one 2 and three Members have made one each. One has been made by an Officer and two by members of the public. However, some of the complaints have been against more than one Member, but arising out of the same issue, so the actual number of complaint subjects could be regarded as smaller. All the complaints to date that have been through the Authority's due process, including reference to one of the two Independent Persons, under the new code, have been dismissed.
- 2.5 Underlying the statistics are a range of complaint subjects and it is difficult to single out one sole matter as a cause of a large proportion of the complaints. Undoubtedly the use of social media has been a significant background element in at least 7 of the complaints. There have been at least 7 different subjects of the complaints made and 2 additional complaints covered a number of subjects.
- 2.6 The new Social Media Policy which is elsewhere on the agenda should reduce the number of complaints in the future.
- 2.7 The use of the Independent Persons to scrutinise matters such as whether complaints are dismissed, investigated or referred to the local resolution process provides a valuable transparency to the process.
- 2.8 Recording of meetings, which is continuing, should considerably reduce complaints about what is said by Members and when those complaints do arise, that there is evidence immediately available which will assist in a speedy resolution.
- 2.9 The new Members' Code of Conduct adopted in September 2016 contains provisions for the assessment of complaints, including local resolution and for the dismissal of complaints which are vexatious, such as tit-for-tat complaints in consultation with one of the Authority's Independent Persons.

### **3 Financial Implications**

- 3.1 The Code of Conduct complaints have taken up a significant proportion of my time since I was appointed in May 2016. It has also demanded the attention of senior Officers. On top of that an independent lawyer has been used to carry out an investigation into a complaint at a cost of £1,500. He has been asked to consider a further case and his report is awaited.

#### **4. Conclusion and Recommendation**

- 4.1 The Authority's Code of Conduct makes it clear that high standards of behaviour are expected from all Members. As an organisation we have now put in place procedures and policies that build on best practice and all Members have received training on the new Code of Conduct. It is pleasing that the number of complaints by members of the public regarding the conduct of Members has been so small and all of those made have been dismissed.
- 4.2 However, the number of complaints by Members on the conduct of other Members is surprising especially when Members have been given training and there have not been any findings of breach of the Code of Conduct against Members to date.
- 4.3 These complaints are taking valuable time and resources and Members may wish to consider how this is avoided in the future.

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Appendices: none

Background documents: Members' Code of Conduct