

Report of	Meeting	Date
Monitoring Officer	Governance Committee	23 January 2019

## STANDARDS REPORT

### PURPOSE OF REPORT

- To update members of Governance Committee on complaints which have been received on Standards Matters in the calendar year 2018.

### RECOMMENDATION(S)

- That Members note the report

### EXECUTIVE SUMMARY OF REPORT

- The report details the standards complaints received and concluded in the calendar year 2018.
- One matter has been referred for investigation, 1 was referred for local resolution, 1 was viewed as tit for tat and one did not raise behaviour that took place when the individual was acting as a councillor. Of the complaints received one related to a borough councillor with the remaining complaints being brought against parish councillors.
- The low number of complaints received and the nature of the matters raised do not demonstrate a significant issue with the behaviour of parish or local councillors within the borough.

<b>Confidential report</b> Please bold as appropriate	Yes	No
----------------------------------------------------------	-----	----

### CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	X	A strong local economy	
Clean, safe and healthy homes and communities		An ambitious council that does more to meet the needs of residents and the local area	

### BACKGROUND

- Chorley Council are responsible for the administration of the Standards regime for the Borough Council and Parish Councils within the borough boundaries. The borough council have published a Code of Conduct for its members and each parish council have adopted and published their own Codes. In the main the parish codes of conduct replicate that of the borough council
- Chorley Council have also published a process for receipt and consideration of complaints which is available on the Council website and in paper copy on request. Complaints must be made in writing to the Council's Monitoring Officer and must relate to breaches of the

relevant code of conduct. The complaint must also relate to a time when the Councillor was acting in the capacity of a councillor and not a private individual.

9. In accordance with the approved procedure, the action taken or underway by the Monitoring Officer in relation to complaints has been agreed with the Independent Person.

## **COMPLAINTS - NATURE**

10. All the codes of conduct contain a commitment from the Councillor to act in accordance with the principles of public life and detail behaviours that demonstrate this commitment. All the complaints received related to an alleged failure by the Councillor to conduct themselves in that manner. No complaints received made any allegations of failure to disclose pecuniary interests. Whilst the complaints received did not always tie back to a particular behaviour, in essence they were fundamentally allegations of a failure to treat people with respect, although they also contained elements of dealing with residents fairly and listening to the interests of all parties.
11. Only one contained an allegation of behaving other than in accordance with legal obligations.
12. All the allegations were at the lower end of the scale and generally involved matters which were at issue between the complainant and the Councillor or Council with the complaint relating to behaviours attached to this matter.

## **ACTING AS A COUNCILLOR**

13. One complaint was declined to be received as it did not relate to the period the subject was acting as a councillor. In accordance with previous practice careful consideration was given to how the Councillor had presented themselves when exhibiting the behaviours complained of. It was clear from the information that they had neither referenced themselves as a councillor, nor had they used information obtained as a Councillor. As a result they were not treated as acting in that capacity. It is also worth noting that the behaviours themselves would not have been treated as a breach of the code.
14. In all other instances it was clear through the venue or indeed how the councillor had referenced themselves they were acting in that capacity.

## **FINDINGS ON COMPLAINTS**

15. Two of the complaints did contain allegations of behaviours which if true would be found to be breaches of the code. However, these were found to be lower level breaches and the public interest would not be served by commissioning an investigation.
16. One was referred for local resolution, a process whereby the Monitoring Officer intervenes and seeks commitments to undertake training or due to the minor nature of the incident an apology is more appropriate for example. This recognised that the Councillor concerned was relatively new and did not have a full understanding of the role but also that, as this was an issue between parish councillors, a full investigation could actually make the relationships worse. This matter was resolved through a meeting between the Monitoring Officer and the subject of the complaint. This meeting clarified both matters around the role of a councillor and the operation of the code of conduct. What was clear is that the intentions of the councillor, to ensure that the Parish Council operated properly, were honestly held, the issue was how the councillor was going about expressing his views.
17. The second was clearly a tit for tat complaint as it specifically referenced an earlier complaint (which had been investigated) as being evidence to support the allegation.
18. The Standards regime is not there to act as a mediator between 2 opposed personalities and it should not be allowed to be used to "score points". In the 2 matters not investigated it was felt very strongly that this would be the case.
19. Only one matter was referred for investigation this year, factors which weighed in favour of the investigation were that the behaviours involved a member of the public and related to a confrontation on an issue in which the councillor was a decision maker. As at the time of preparation of this report, this investigation is continuing.

## PARISH / BOROUGH SPLIT

20. Of the complaints received in this period 3 were against Parish Councillors and 1 was against a District Councillor.

## TRAINING

21. The focus of this borough is very much on education rather than sanction in relation to the code of conduct, hence the referrals to local resolution rather than investigation. The investigation process should only be used for more serious matters as there is a real concern that its adversarial status serves to entrench behaviours rather than improve them.
22. Training has been provided to new Chorley Members this year (and it was open to others to attend). No training sessions have been provided to parishes on the Code of Conduct although the Monitoring Officer remains committed to provide it on request. It is intended to offer Parish Councillor training in the coming year.

## IMPLICATIONS OF REPORT

23. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

## COMMENTS OF THE INDEPENDENT PERSON

24. I agree that the low number of complaints received this year (a welcome reduction on previous years) and the nature of the matters raised do not demonstrate a significant issue with the behaviour of parish or local councillors within the borough. It has to be said, however, that a significant amount of time has been spent dealing with parish issues, and it is hoped that parishes accept the offer of training on the Code of Conduct from the Monitoring Officer.

## COMMENTS OF THE STATUTORY FINANCE OFFICER

25. None

## COMMENTS OF THE MONITORING OFFICER

26. As per the report.

CHRIS MOISTER  
MONITORING OFFICER

Report Author	Ext	Date
Chris Moister	5160	