



Report to: Audit & Governance Committee Meeting 31 July 2024

Director or Business Manager Lead: Sue Bearman, Assistant Director Legal & Democratic Services, Monitoring Officer
01636 655935, Sue.Bearman@nsdc.info

Lead Officer: Nigel Hill, Business Manager Elections & Democratic Services
01636 655243

| Report Summary | |
|----------------------------------|--|
| Report Title | Code of Conduct Annual Report for the Period 1 April 2023 – 30 April 2024 |
| Purpose of Report | To consider that Code of Conduct Annual Report for the Period 1 April 2023 – 30 April 2024 |
| Recommendations | That the annual report be noted. That a further session on the Code of Conduct is delivered in Autumn 2024. |
| Reason for Recommendation | To provide Members with details of Code of Conduct complaints received in 2023/24, and an update on related matters. |

1.0 **Background**

The Audit & Governance Committee has responsibility for promoting and maintaining high standards of conduct by Members and Co-opted Members of the Council. It is also responsible for maintaining an overview of the Member Code of Conduct and arrangements for dealing with complaints.

2.0 **Code of Conduct Complaints**

2.1 It was reported to Committee in June 2023 that the Monitoring Officer recorded 13 formal complaints within the period 1 April 2022 to 31 March 2023; of these 1 related to a District Councillor and 12 related to Town or Parish Councillors.

2.2 The Monitoring Officer recorded 41 formal complaints within the period 1 April 2023 to 30 April 2024; of these 19 related to District Councillors and 22 related to Town or Parish Councillors.

- 2.3 In relation the 41 complaints received between 1 April 2023 and 30 April 2024, 37 complaints were closed without investigation. It was determined following appropriate consultation with the Independent Persons that either no further action was required, or that informal resolution by way of apology was appropriate. 4 complaints were referred for further investigation.
- 2.4 27 of the 41 complaints were received from members of the public (7 District, 20 Parish/Town), 10 from elected officials (9 District, 1 Parish/Town), and 4 from members of staff (3 District, 1 Parish/Town).
- 2.5 The nature of complaints received can be summarised as follows: -
- Disrespect
 - Bringing authority into disrepute
 - Conduct of meetings
 - Verbal abuse/outburst
 - Breach of confidentiality
 - Failure to register and declare interests
 - Conflict of interest
 - Bullying, harassment and discrimination
 - Failure to act with integrity and honesty
- 2.6 Members will note that there has been a significant increase in complaints during the past year. In relation to the District Council, complaints have been received regarding the conduct of 11 separate District Councillors across nearly all political groups. In relation to parish and town councils, the vast majority relate to underlying issues at two parish councils. Work is ongoing, in conjunction with other agencies, to seek to resolve these underlying issues.
- 2.7 Unfortunately, the volume of complaints led to a backlog which required the Monitoring Officer to outsource some assessment work. Due to limited resources, but also to demonstrate complete independence, the 4 investigations have also been outsourced. Financial implications are set out in paragraph 8 below.

3.0 Formal Investigation and Code of Conduct Hearings

- 3.1 The outcome is awaited in respect of the 4 complaints that were referred for investigation. No Code of Conduct Hearings have been held for the period 1 April 2023 to 30 April 2024.

4.0 Register of Members Interests

- 4.1 Register of Interests Forms for Newark & Sherwood District Council Members were issued to all Members following the District Council elections held on 4 May 2023. These were required to be completed and returned within 28 days of the election. These are published on the Council's website: <https://democracy.newark-sherwooddc.gov.uk/mgMemberIndex.aspx?bcr=1>

4.2 Town and Parish Councillors are also required to complete a Register of Interests Form within 28 days of the election. These are also published on the Council's website: <https://www.newark-sherwooddc.gov.uk/parishcouncils/register-of-interests-for-parish-councillors>

4.3 Regular communication is held with parish councils to ensure, as far as possible, that all their Register of Member Interest Forms are sent to us for publication. Where forms are outstanding, regular reminders are sent to those parishes. Also, when we become aware of new Members who have been appointed through co-option to fill vacancies, the parishes are reminded of the requirement to submit the completed returns to us as soon as practicable.

5.0 Code of Conduct Training

5.1 The Monitoring and Deputy Monitoring Officers delivered two training sessions for all District Councillors in relation to the Code of Conduct in January and March 2024. These sessions were well attended, but some Councillors were unable to come. At Audit & Governance Committee's suggestion, the 16 July meeting of Full Council has been asked to approve a training date of 19 November 2024 for the Council Diary. This session will be used to deliver the session again, possibly in conjunction with equalities training (in which case it will be a two-part session as not all Members will need to attend both).

6.0 The process for dealing with Code of Conduct Complaints

6.1 Members of Committee have been invited to a workshop on 18 July to review the current process. A report is due to be brought to the next meeting.

7.0 Independent Persons

7.1 Following the recommendation of this Committee, the Council's two Independent Persons were appointed for a further 4-year term at the 23 May 2023 meeting of Full Council.

7.2 As the role of the Independent Person is integral to the process for dealing with complaints, a review of the demands of the role has been incorporated into the terms of reference for the review of the process.

8.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Financial Implications (FIN24-25/6523)

- 8.1 The budget for code of conduct complaints was set to cover the additional cost of any complaints received that required further investigation by an external body. The table below shows the actual activity from 2022/23 to the current forecast in 2024/25:

| Year | Budget | Actual | (Favourable)/Unfavourable Variance |
|---------------------|---------------|---------------|---|
| 2022/23 Actual | 300 | 0 | (300) |
| 2023/24 Actual | 300 | 1,362 | 1,062 |
| 2024/25 Forecast | 320 | 24,565 | 24,245 |

- 8.2 The forecast is £24,565 for 24/25 due to the requirement to outsource some assessment work, and investigations. This is expected to result in an unfavourable variance of £24,245 which can be funded by the Corporate Contingency budget.
- 8.3 For the 2024/25 financial year there is a £3,300 budget available for the cost of 2 Independent Persons, to cover the annual rate of £1,500 per person per annum.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.2

- 14 June 2023 Annual Standards Report is published on the Council's [website](#).
- 6 April 2023 Appointment of Independent Persons is published on the Council's [website](#).
- 24 April 2024 Review of Arrangements for dealing with Code of Conduct Complaints regarding Councillors is published on the Council's [website](#).
- The [Code of Conduct](#) is published in the Council's Constitution
- The [Procedure for dealing with Code of Conduct Complaints](#) is published on the Council's website