



Chelmsford City Council Governance Committee

18 January 2023

Monitoring Officer's Report

Report by:
Monitoring Officer

Officer Contact:
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Purpose

To update members on recent standards complaints, adoption of and training in relation to the LGA model code of conduct, recruitment of an independent person and reviews of the employee code of conduct & Whistleblowing Policies.

Recommendations

1. To note the current statistical information as to complaints made and agree this should be published on the Council's website as set out in the Appendix.
 2. To note the position in relation the adoption of the LGA model code of conduct at parish tier as well as training undertaken.
 3. To note the recruitment of a further Independent Person.
 4. To note the position concerning the review of the Employee Code of Conduct.
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1. Standards Complaints

- 1.1. The Appendix to this report sets out the latest statistical data related to complaints under the Standards regime.
- 1.2. Members will note that there was a significant increase in the level of complaints received during 2021. By comparison during 2022, 3 complaints were received which resulted in no further action.
- 1.3. In relation to outstanding investigations from complaints received in 2021, members will note that there is now one outstanding hearing following investigation that has been rescheduled a number of times due to non-availability of different parties when various hearing dates have been scheduled. The hearing is in the process of being further rescheduled as quickly as possible. One other investigation is also now closed following a hearing in September.
- 1.4. Subject to any questions raised, the Committee is asked to confirm that this information should be published as set out in Recommendation 1.

2. Adoption of Model code of conduct & training

- 2.1. At the time of writing this report the Monitoring Officer has been advised that 9 parish tier councils have adopted the model code of conduct so far and other councils have been encouraged to consider adoption. Further updates will be provided.
- 2.2. The Monitoring Officer has undertaken 6 training sessions in relation to the model code of conduct. These initially included only city councillors but later sessions were extended to parish tier authorities. In terms of City Councillor attendance 4 city councillors did not attend one of the sessions. The slides and a recording of one of the sessions have been circulated to all city councillors and all councillors have been made aware of the changes. Further training will be provided after the 2023 Local Elections and the induction programme will include appropriate arrangements. Parish tier clerks have been provided with the slides for the training session. It should be noted that there will not be sufficient resource to run multiple parish tier sessions after the 2023 elections and other alternatives will need to be explored.

3. Recruitment of Independent Person

3.1. The recruitment for an independent person will commence in January 2023 and as required will be advertised accordingly. Members will be involved in the recruitment with a view to making a recommendation at March committee for appointment at Annual Council in May 2023.

4. Employee code of conduct

4.1. The Employee Code of Conduct has been reviewed in light of the changes to the Member Code of Conduct to establish whether changes are necessary to bring the Employee Code of Conduct into alignment. The area of gifts and hospitality was specifically considered. The employee code was already similar to the LGA Model code and no changes are necessary.

5. Whistleblowing Policy

5.1. A review of the Whistleblowing Policy has also been undertaken to establish whether changes are necessary to ensure the Whistleblowing Policy is compliant with legal requirements. Some minor updates will be necessary (eg to include the latest website links) but otherwise the current policy is compliant. Indeed this goes further than minimum legal requirements eg its scope is broader than workers and annual reporting to Governance Committee already in place. There is potential for further legislative changes to be made in this area and the policy would be further reviewed at that stage.

List of Appendices

Appendix 1 – Statistical information regarding complaints made

Background papers: Nil

Corporate Implications

Legal/Constitutional: These are set out in the report

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

Consultees: None

Relevant Policies and Strategies:

Complaints Procedure

Standards Enquiries and Investigations Statistics – Localism Act 2011

November 2022 – to January 2023

Status of Complaint Categories	Total No.	Case No.	City, Parish tier Councillor	Date Issue First Raised	Alleged Breach or Issue Raised	Current Position
1. No formal complaint or withdrawn	0					
2. No further action required after consultation with one of the Independent Persons	0					

Status of Complaint Categories	Total No.	Case No.	City, Parish tier Councillor	Date Issue First Raised	Alleged Breach or Issue Raised	Current Position
3. Not able to legally pursue complaint	0					
4. Complaint on hold	0					
5. Decision as to appropriate action still awaited	0					
6. Complaints being investigated	6	18/21 Now linked with 31-35/21		Apr & Dec 21	Various allegations relating to registration/declaration of interests by 7 councillors	Investigation completed May 22. Complaints relating to 5 councillors dealt with via reminder/warning. Hearing scheduled for remaining 2 councillors deferred due to non-availability of different parties. Hearing in the process of being further rescheduled.
Total	6		6 parish tier complaints			

Formal Complaint Outcomes

	Case No. and Councillor	Committee Date and Decision	Date Issue First Raised	Current Position
Outcome of Investigations				
Other Action				